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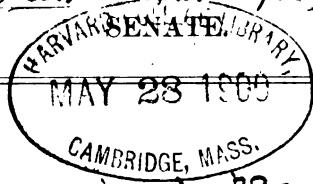
28 May 1900

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U.S. - Congress, 56th, 1st sess. 1899-1900

53141 Senate

56TH CONGRESS, 1st Session.



REPORT No. 1473.

*Hon. James McMillan*  
INVESTIGATION RELATING TO MESSAGES AND PAPERS OF THE PRESIDENTS.

MAY 22, 1900.—Ordered to be printed.

Mr. PLATT, of New York, from the Committee on Printing, submitted the following

REPORT.

[To accompany Senate Res. No. 275.]

The Committee on Printing respectfully reports to the Senate that it has completed an investigation into the facts connected with the compilation and publication of the Messages and Papers of the Presidents, both by Congress and as a private enterprise, pursuant to the following resolution adopted by the Senate April 19, 1900:

*Resolved*, That the Committee on Printing be directed to investigate the facts connected with the compilation and publication of the Messages and Papers of the Presidents; the result of the permission given to private persons to use the stereotyped plates; the distribution of the copies made gratuitously or otherwise by the Government; the sales made by private persons, and the methods adopted in making such sales; the circumstances under which the compilation has been copyrighted; and other material facts surrounding the compilation and distribution of the volumes; and report to the Senate the result of the inquiry and any legislation which may be deemed desirable by the committee.

The testimony taken by the committee under the above resolution is hereto annexed. Its perusal shows that on July 27, 1894, Congress authorized the compilation of all such messages and papers and gave the direction of the work to the Joint Committee on Printing. That committee, on August 20, 1894, requested the Hon. James D. Richardson, a Representative from the State of Tennessee, to make the compilation. Mr. Richardson was then and in the preceding House had been a member of the House Committee on Printing. The general act providing for the printing, binding, and distribution of public documents, enacted January 12, 1895, made it illegal to copyright any Government publication.

Mr. Richardson began the work of compiling the Presidents' messages in April, 1895, and the publication began in February, 1896. The tenth and last volume was brought out in July, 1899. It is not to be doubted that Mr. Richardson's labors were most assiduous, and that they consumed during this period a great amount of his time. Mr. Richardson testifies that he devoted every spare hour of his time for a period of four years and three months to this work. An amendment in the sundry civil bill on January 4, 1897, requested Mr. Richardson

to make an index to the work, and he testifies that he expended more than \$3,600 from his own purse for necessary assistance in making this index.

Three editions of the Messages, aggregating 36,000 sets of ten volumes each, were printed by the Government Printing Office and distributed free by members and officers of the two Houses of Congress. These were duly authorized publications and distributions, and of the copies printed 34,439 were assigned to the members and officers of the Fifty-fourth and the Fifty-fifth Congresses, and certain fractional remainders of each edition, amounting in all to 659 copies, were placed by the Public Printer to the credit of Mr. Richardson, the compiler, in accordance with the terms of the acts and resolutions of Congress under which the publication was authorized.

After several volumes of the first edition had been printed, and in all subsequent volumes of the first edition and in all volumes of the succeeding editions, Mr. Richardson caused to be placed upon the reverse side of the title page of each book the words "Copyright, 1897, by James D. Richardson." This inscription was printed some while before a copyright had been actually issued to Mr. Richardson, but it appears that copyright was issued to him as each volume went to press, and he now claims the rights and privileges of copyright in connection with the publication of the work.

Mr. Richardson says that his original insertion of the copyright inscription was not then intended as an assertion of copyright, but as notice to the public of his purpose to obtain copyright. He also says that he does not claim copyright as against the Government, but only as against all other publishers. It is not claimed by Mr. Richardson that his copyright operates to protect him against the publication of any one or more of the collated messages, but that it does protect the form of the publication, and that it protects the illustrations and original matter with which the pages of the books are interspersed.

The Committee on Printing will not undertake to discuss the legal question here involved further than to say that the prohibition contained in the printing act was intended to cover every publication authorized by Congress in all possible forms, and in view of the debate which occurred at the time, it is clear to the committee that Congress intended to prevent precisely what has happened—the copyrighting of this particular book.

Your committee thinks that copyright should not have issued in behalf of the Messages, and that the law as it stands is sufficient to deny copyright to any and every work once issued as a Government publication. If the services of any author or compiler employed by the Government require to be compensated, payment should be made in money frankly and properly appropriated for that purpose, and the resulting book or other publication in whole and as to any part should be always at the free use of the people, and this, without doubt, was what Congress intended.

This consideration brings your committee to the origin if not to the cause of the conditions that led to this investigation. The sundry civil bill which became a law on June 4, 1897, carried in it a provision—

That the Public Printer be, and he is hereby, authorized and directed to make and deliver to James D. Richardson, the compiler of the Messages and Papers of the Presidents, without cost to him, duplicate electrotype plates from which the compilation the Messages and Papers of the Presidents is published.

Of course, these plates were given to Mr. Richardson to be used by him in the further publication, for his own pecuniary benefit, of the compilation.

It must be assumed that Congress felt itself to be in Mr. Richardson's debt and undertook to discharge what it regarded as a public obligation in this way. It made a mistake. If anything more than a gracious public acknowledgment of the value of his work was due to Mr. Richardson it should have been paid in money duly appropriated for the purpose. The quasi authority given to Mr. Richardson in this provision of the law to use these plates in his own way and for his own benefit led to a series of incidents for which his responsibility may be slight, but which have placed Congress in a false position.

A publisher of the name of James S. Barcus, then a resident of New York City and now of Terre Haute, Ind., made a contract with Mr. Richardson under which the "exclusive use of the plates" was given to Barcus for ten years in an arrangement that he should print, publish, and sell the compilation, paying to Mr. Richardson a royalty of 75 cents per set for all sets sold. In form the contract appears to be unobjectionable, but the methods pursued by Barcus and his organization to dispose of the work were questionable and well devised to produce a false public impression.

Mr. Barcus was the sole owner of the privilege conveyed in the contract, and when the contract was made was doing business as a publisher under the trade name of J. S. Barcus Company. Within five or six months after the contract was signed this name was abandoned and Barcus assumed for his enterprise the name "Committee on Distribution." This name was used on all letter headings and other printed matter necessary to the business, all such matter being printed and devised in forms and with types, paper, and ink similar to those employed by Congress and its regular authorized committees. In the formal headings of such letters and circulars the name of Mr. Richardson appeared as "editor," together with that of Ainsworth R. Spofford, the assistant librarian of Congress, as "general secretary."

The expressions and phrases employed in Barcus's printed material were such as necessarily to mislead the public into the belief that the Government was in some way identified with the publication and sale of his books. It was made to appear by language which was at times more than equivocal that the unusual opportunity of obtaining the books which the Barcus literature and the Barcus agents claimed was being afforded resided in this undefined relation of Congress to the enterprise. The Barcus edition was referred to in circular letters as a "Government document," and it was said that "Congress recently authorized the distribution of a limited number in each Congressional district," a statement that might, perhaps, have applied to the editions printed by the Public Printer, but could not have applied to the editions printed from Mr. Richardson's plates.

Persons addressed as prospective purchasers were told that the "Committee on Distribution" had been "appointed to distribute the work," and that Congress had "granted the privilege of printing a limited edition," and that the "distribution" was to be made by "Congressional districts," and that the "number of sets" had been "apportioned" in accordance with a "ratio." Barcus's agents were equipped with letters under the usual letter heading, in which they were informed that they had been "appointed" to be members of the

"Committee on Distribution" and that their appointments had been "confirmed." All these expressions were so well calculated to deceive the public as to make it impossible to believe that they were not chosen for that purpose.

Mr. Richardson's receipts from the sales of the edition printed and sold by Mr. Barcus had amounted, up to the period of this investigation, to \$11,320.50.

Your committee does not see the necessity of new legislation. Congress has it in its own power to avoid a repetition of the false representations of which it has been the victim by not again placing Government plates at the disposition of private persons. The language of the statute forbidding the copyrighting of Government publications appears to the committee to be as strong as it can be made.

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TESTIMONY

TAKEN BY

THE COMMITTEE ON PRINTING.

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S. Rep. 1473—2

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# TESTIMONY TAKEN BY THE COMMITTEE ON PRINTING OF THE UNITED STATES SENATE IN RELATION TO THE COMPILATION AND PUBLICATION OF THE MESSAGES AND PAPERS OF THE PRESIDENTS.

WASHINGTON, D. C., May 2, 1900.

The committee met at 10 o'clock a. m.

Present: Senators Platt, of New York (chairman); Elkins, and Jones, of Arkansas; also James S. Barcus and George W. Siever.

The CHAIRMAN. The clerk will read the resolution adopted by the Senate April 19, 1900, directing an investigation into the facts connected with the compilation and publication of the Messages and Papers of the Presidents.

The clerk read as follows:

*Resolved*, That the Committee on Printing be directed to investigate the facts connected with the compilation and publication of the Messages and Papers of the Presidents; the result of the permission given to private persons to use the stereotyped plates; the distribution of copies made gratuitously or otherwise by the Government; the sales made by private persons, and the methods adopted in making such sales; the circumstances under which the compilation has been copyrighted, and the other material facts surrounding the compilation and distribution of the volumes; and report to the Senate the result of the inquiry and any legislation which may be deemed desirable by the committee.

The CHAIRMAN. Mr. Richardson, the compiler, is present, and we should like to have from him what information he can give on the subject.

## TESTIMONY OF JAMES D. RICHARDSON.

JAMES D. RICHARDSON, being duly sworn, was examined, and testified as follows:

The CHAIRMAN. Mr. Richardson, you are at present a member of the other House?

Mr. RICHARDSON. Yes, sir.

The CHAIRMAN. From Tennessee?

Mr. RICHARDSON. Yes, sir.

The CHAIRMAN. How long have you been in Congress?

Mr. RICHARDSON. This is my eighth consecutive term.

The CHAIRMAN. You may proceed in your own way to state the facts with reference to the matter pending before the committee.

Mr. RICHARDSON. Mr. Chairman, I have made some notes of what I thought I would say. I prefer that the stenographer should take my statement, however, and I will use my notes to refresh my recollection.

The CHAIRMAN. Very well.

Mr. RICHARDSON. If at any point any member of the committee desires to ask me a question in respect of what I am stating, I shall be glad to answer.

On the 27th day of July, 1894, Congress passed a resolution authorizing and providing for the compilation of all the annual, special, and veto messages, proclamations, and inaugural addresses of the Presidents. No appropriation was made in the resolution for the work, but it directed that the work be performed under the direction of the Joint Committee on Printing. On the 20th of August, 1894, the Joint Committee on Printing unanimously requested me to undertake the work of compilation.

The CHAIRMAN. Who was the chairman of the committee at that time?

Mr. RICHARDSON. At that time Senator Gorman was chairman. Senator Manderson was on the committee in the Senate.

I accepted, and, I may add, with no proper idea or conception of the vast amount of labor and of anxiety it would entail upon me. This was during the Fifty-third Congress, which closed March 4, 1895. Immediately upon its adjournment I went to my home, but returned on April 1 and began the work. From that date until July 1, 1899, a period of four years and three months, I devoted every spare hour of my time to this work. In summer and in winter, when Congress was in session and during recesses, by day and by night, I gave all my time and effort to the task. During this period I remained in Washington at my own expense when, but for this work, during the recesses of Congress I would have been at my home. The work, of necessity, had to be done in Washington City. The first volume was brought out February 22, 1896; the second volume, July 4, 1896; the third volume, November 26, 1896; the fourth volume, April 27, 1897; the fifth volume, July 4, 1897; the sixth volume, November 25, 1897; the seventh volume, February 22, 1898; the eighth volume, July 4, 1898; the ninth volume, November 24, 1898; the tenth and last volume, July 4, 1899.

I will not exaggerate if I say that during the four years and three months I devoted on an average four hours a day to the work. On some days I did not touch it because of other more pressing duties. Yet there were many other days in which I was occupied upon it eight or ten hours. In May, 1897, at the extraordinary session, the Senate inserted an amendment to the sundry civil bill, which became a law on the 4th of June, 1897, requiring me to make an index to the entire work. I had realized that without an index the compilation would not be half so valuable, and I had already commenced work on the index before that act was passed.

Senator ELKINS. I suggest, Mr. Richardson, that that part of the act to which you refer be inserted at this point.

Mr. RICHARDSON. Very well.

The provision referred to is as follows:

"That there be printed of the compilation known as Messages and Papers of the Presidents, by James D. Richardson, a Representative from the State of Tennessee, fifteen thousand copies, of which five thousand copies shall be for the Senate and ten thousand copies for the House of Representatives. The distribution of the same shall be made as heretofore by the superintendent of documents, and to persons designated to receive them by the Members and Delegates of the present Congress. In making the distribution the fraction, or remainder, in each case shall be delivered by the superintendent of documents to the compiler. The Public Printer shall bind the personal copy for Senators and Members and Delegates in full morocco with gilt edges; and this order shall include the volumes already issued, that their sets may be uniform: *Provided*, That said personal copies not delivered to Senators,

Members, or Delegates of the Fifty-fourth Congress who retired from Congress on March fourth, eighteen hundred and ninety-seven, prior to their retirement shall be sent by the superintendent of documents, as rapidly as they are printed, to their addresses; and the compiler shall prepare a full table of contents and a complete index for such compilation: *And provided further*, That the time within which Members of the Fifty-fourth Congress who are reelected to the Fifty-fifth Congress are required to designate persons to whom said compilation shall be sent be, and same is, extended to include the term of the Fifty-fifth Congress; and that the time within which members of the Fifty-fourth Congress who are not reelected to the Fifty-fifth Congress are required to designate persons to whom said compilation shall be sent be, and is hereby, extended to the first day of December, eighteen hundred and ninety-seven. That the time allowed members of the Fifty-fourth Congress to distribute public documents to their credit, or the credit of their respective districts in the Interior or other Departments and Bureaus, and in the Government Printing Office, on March first, eighteen hundred and ninety-seven, and to present the names of libraries, public institutions, and individuals to receive such documents, be, and the same is hereby, extended to December first, eighteen hundred and ninety-seven, and hereafter the time for such distribution by members of Congress reelected shall continue during their successive terms and until their right to frank documents shall end. That the Public Printer be, and he is hereby, authorized and directed to make and deliver to James D. Richardson, the compiler of 'Messages and Papers of the Presidents,' without cost to him, duplicate electrotype plates from which the compilation 'Messages and Papers of the Presidents' is published."

Mr. RICHARDSON. My son, James D. Richardson, jr., who had just completed his law course, and was ready to enter upon the practice was brought to Washington by me and put to work on the index in August, 1896. That was prior to the passage of the act requiring me to make the index, because I was anticipating that work. He remained with me doing nothing else but this work for three years. During this period of three years I paid over \$100 per month for work on the index, so that I paid out of my own pocket more than \$3,600 on the index.

While the work of compiling was in progress I had frequent consultations with the Joint Committee on Printing, and also with members of the Committee on Appropriations of the two Houses, notably with Senators Gorman, Hale, and Allison, of the Senate, Gorman and Hale being on the Committee on Printing, and Messrs. Cannon, Sayers, and others, of the House. These consultations were as to the progress of the work, and also upon questions of compensation to me for my labor. I always said to them if I could be compensated in some way outside of a direct appropriation from the Treasury I would prefer it. Various sums were discussed, and it was thought by some of the gentlemen named that I should be paid \$5,000 for the work of compilation, and \$1.20 per page for indexing the compilation. That rate (\$1.20 per page) is the rate paid for indexing the Congressional Record. This rate is fair compensation for indexing the Record, as many pages thereof can frequently be covered by a single entry in the index. For instance, in the case of a speech, no matter how long it may be, it may be mentioned but once in the index for all its pages.

This is not true in Messages and Papers, for in its index there will be found from three to ten index references to each page, the effort being made to have an index reference to each subject-matter. The

same rate of compensation to me for indexing the Messages and Papers as is paid for the Record would therefore be less than fair to me. But at the same rate, there being nearly 7,000 pages in the compilation, the rate mentioned would have given me, for making the index, something over \$8,000. To this sum add the \$5,000 for the compilation itself, and there would have been paid me about \$13,000.

As I preferred not to accept a direct appropriation from Congress it was suggested that I should accept a duplicate set of the electrotype plates from which the work was published by the Government, with the hope that I could make a contract with some book publisher to place the work on the market, and from which I should receive a royalty on the sales.

The CHAIRMAN. Was that suggestion made by any member of the committee?

Mr. RICHARDSON. I can state from recollection that it was talked over with Senators Hale and Gorman, and with Mr. Cannon and Mr. Sayers. I can not say which one suggested it, but it was suggested in our interviews.

Senator ELKINS. Did you receive with favor the suggestion to take a copy of the plates? Did it strike you as a proper thing?

Mr. RICHARDSON. Yes, sir; I preferred that, because I did not want to ask the Government to pay me anything.

Senator ELKINS. What did you have in mind? Did you have in mind at that time the profits which would inure to you as the result of the ownership of the plates? Did you have any idea as to how much it would be?

Mr. RICHARDSON. I had no idea of what it would be, but I felt that if I could make such a contract I would prefer to get some compensation in that way, rather than to ask the Government to pay me, or the Congress to make an appropriation.

Senator ELKINS. Did you have in mind at that time, or had you made any calculations, as to what amount of profit you would receive—how many books you could sell?

Mr. RICHARDSON. No, sir.

Senator ELKINS. You had not at that time?

Mr. RICHARDSON. No, sir; I really had very little hope of making a contract that would pay me any large sum.

The object in view with the gentlemen I have mentioned was twofold; first, that I might obtain some compensation without expense to the Government; and, secondly, to remove the pressure upon the Government for reprinting so expensive a work for gratuitous distribution. The impression was that Congress would be called upon repeatedly to reprint this work if it was given away gratuitously, and it was thought that if an edition could be put upon the market that possibly it would be about the only way to meet the demand.

With this understanding and agreement the duplicate plates were donated to me by Congress.

Senator ELKINS. Was that done by resolution or by act?

Mr. RICHARDSON. It was done by an act.

Senator ELKINS. Had you not better insert that act, giving the date?

Mr. RICHARDSON. It was an amendment put onto the sundry civil bill, which became a law on the 4th day of June, 1897, a copy of which has just been inserted in my testimony.

I did not know just what these plates would cost when the matter was first discussed in the House, but upon inquiry I learned from the Public Printer that they could be supplied at a cost of about 45 cents

a page, or a total cost to the Government of about \$3,100, there being about 7,000 pages.

Senator ELKINS. The stereotype plates?

Mr. RICHARDSON. The duplicate set of plates.

There is a mistaken idea among some intelligent gentlemen, and that is that the original plates were given to me by the Government, and that the Government thus deprived itself of its plates. As a fact, it is a duplicate set made from the originals. The Government itself retained the original plates and gave me a duplicate set, at a cost of about \$3,100.

Senator ELKINS. And the expense to the Government was \$3,100?

Mr. RICHARDSON. Yes, sir.

Senator ELKINS. Can they make duplicate plates just as good as the originals?

Mr. RICHARDSON. Yes, sir; absolutely.

The CHAIRMAN. Were those duplicates in existence, or were they made for you?

Mr. RICHARDSON. They were made for me. The cost of these plates is the only expense the Government has been put to on my individual account, or in my behalf, for this compilation and index, except that when the orders were made by Congress for the two editions each of 15,000 sets of the work for distribution among Senators and Members, there was inserted a proviso giving me the remainders or fractions left over in the division or distribution among Senators and Representatives.

Senator ELKINS. That was provided for in the act?

Mr. RICHARDSON. Yes, sir. It has been inserted and will appear. These fractions, but for this provision, would have gone to the superintendent of document or the folding rooms of the two Houses. In this way these remainder sets over and above the regular quota of a member came to me. These sets have been disposed of by me in various ways, many of them to my friends among Senators and Members; some to my son, some to literary gentlemen throughout the country, who had made valuable suggestions to me from time to time as the work progressed, some to newspaper friends; and I have nearly a hundred sets on hand. I will file a list showing where each set and volume went if demanded by this committee. I suppose the committee will not ask me to do so, as it is no part of the inquiry, but I am willing to do so.

The CHAIRMAN. How many were there?

Mr. RICHARDSON. About 650, as well as I can remember, speaking from recollection.

The plates mentioned, worth \$3,100, and the remainders comprise my entire compensation from Congress, and for which I gave the Government, in addition to the \$3,600 paid out by me in cash on the index, all my personal expenses, my time, labor, and energies for four years and three months. I do not make any complaint whatever of this, for what I did was done freely and voluntarily, and I only mention it now that the history may be preserved. I ask nothing from Congress or from this committee except the preservation of my good name, which has been unjustly and wantonly attacked by a few newspapers.

It has been charged that as a member of the Committee on Printing I suppressed resolutions, introduced into the Fifty-fifth Congress and referred to the Committee on Printing, which provided for printing additional copies of the compilation. This is unqualifiedly untrue. The charge in effect is that the Fifty-fifth Congress did not print additional copies because of my influence, exerted on the committees of printing of the two Houses to prevent it. In this way it is charged in a

few newspapers that the whole number of Messages and Papers published heretofore by Congress is 21,000 sets. The truth is, there have been 36,000 sets printed and distributed by Congress. It is true resolutions for printing 15,000 sets were introduced and referred to the Committee on Printing in the Fifty-fifth Congress. These resolutions were discussed by the committee, but were not reported, for ample and satisfactory reasons. To print 15,000 sets of this work, it was well understood, would cost the Government something over \$100,000. The estimate furnished by the Public Printer was 75 cents a book.

I was in the minority on the Committee on Printing, the other two members, Mr. Perkins, of Iowa, and Mr. Chickering, of New York, belonging to a different party from myself. Our committee consulted with members of the Committee on Appropriations of the House, and it was decided that while 15,000 sets should be printed, the latter-named committee should provide for their publication.

That committee of the House therefore inserted in the sundry civil appropriation bill, which they reported and which became the law on the 4th day of June, 1897, and which I have just referred to, a provision for the printing of 15,000 additional sets. The chairman of our Committee on Printing was glad to dispose of the question in that way, and thus our committee was relieved from the necessity of taking action on the resolutions which had been referred to it. In other words, the Committee on Appropriations took jurisdiction of it at the extraordinary session. Soon after the Fifty-fifth Congress met and provided for the printing of the 15,000 sets for the last Congress. So there was no suppressing of any resolutions to prevent further publication. The Fifty-third Congress published 6,000 sets, the Fifty-fourth Congress published 15,000 sets, and the Fifty-fifth Congress published 15,000 sets, making in all 36,000.

Now, I ask the committee if they wish to do so, to call Senator Lodge, who was chairman of the Joint Committee on Printing in the last Congress, and who stated to me yesterday or the day before that I had never mentioned to him at all the subject of printing 15,000 sets, and had made no attempt to keep the committee from reporting a resolution to that effect; but, as I say, the Committee on Appropriations having provided for 15,000, then it was not thought necessary to take any action by either committee on printing.

It is charged that I had no right to copyright the compilation. This is purely a legal question. It involves no question of honor or morals. I did obtain a copyright. I did not do so until after careful examination and full advice. I believed I could copyright, and did so.

Senator ELKINS. Do you mean on those issued by Congress?

Mr. RICHARDSON. No, sir; I do not claim there is a copyright on those. I had to put the notice in all the books, but I do not claim any copyright on those issued by Congress.

Senator ELKINS. Is this volume [exhibiting] issued by the Government?

Mr. RICHARDSON. No, sir.

Senator ELKINS. It is issued by yourself?

Mr. RICHARDSON. By Mr. Barcus.

I believed I could copyright it, and did so. If the copyright is void, the Government is not injured thereby, for I paid the Government \$10 for copyright fees, besides the stamp fees. The Government paid out nothing therefor, and I can be the only loser in the case. But I am advised and believe the copyright is good and valid. While it is conceded by me one can not copyright a Government publication or docu-

ment such, for instance, as a message or proclamation of a President—and I have not sought to do this—a *compilation* of such publications and documents can be copyrighted. Especially is this true when in making the compilation original matter is inserted. This compilation, Messages and Papers, is full of original matter, such as editorial foot-notes, biographical sketches, etc., while the index volume itself is all, or nearly all, made up of original matter.

The English and American authorities all sustain the contention that a compilation such as I have made is the subject of copyright. While it is conceded that publications of documents taken separately can not be copyrighted, yet when brought together in a compilation the form and style, etc., can be copyrighted.

It goes without saying that under no circumstances would I insist that the copyright is valid as against the Government.

The best authority probably in the United States on the subject of copyright law is Mr. Drone. On page 164 of Drone on Copyright he lays down the general rule that statutes and public documents, official correspondence of the Government, reports made by Government officers, etc., may be copyrighted under proper circumstances. He says that the principle that governs in such cases is the same that governs in judicial decisions. From page 161 I quote the following from that author on the right to copyright judicial decisions:

“Property in judicial decisions is governed by the same general principles that apply to all literary compositions. They are proper subject of copyright; and when the provisions of the law are complied with; as in the case of other productions, they will be entitled to the same protection accorded to any copyrighted work.”

For authority to copyright my compilation I quote from that author, on page 202, the following:

“*Compilations*.—A compilation of old materials gathered from published works and other common sources is an original production within the meaning of the law. Here the test of originality is applied, not to the materials, but to their arrangement and combination. A mere copy or reprint, not differing materially from the original matter, is not entitled to protection. But labor, skill, or learning, exercised in selecting, arranging, and combining old materials in a new and useful form creates a title to authorship. ‘The question is not,’ said Mr. Justice Story, ‘whether the materials which are used are entirely new and have never been used before, or even that they have never been used before for the same purpose. The true question is, whether the same plan, arrangement, and combination of materials have been used before for the same purpose or for any other purpose. If they have not, then the plaintiff is entitled to a copyright, although he may have gathered hints for his plan and arrangement, or parts of his plan and arrangement, from existing and known sources.’ He may have borrowed much of his materials from others, but if they are combined in a different manner from what was in use before, and a fortiori, if his plan and arrangement are real improvements upon the existing modes he is entitled to a copyright in the book embodying such improvement. It is true he does not thereby acquire the right to appropriate to himself the materials which were common to all persons before, so as to exclude those persons from a future use of such materials, but then they have no right to use such materials with his improvements superadded, whether they consist in plan, arrangement, or illustrations or combinations, for these are strictly his own.”

I quote further from the same author on this subject the following, from page 152:

"The doctrine is well settled in England and the United States that existing materials selected from common sources, and arranged and combined in an original and useful form, become a proper subject of copyright. This is equally true whether the compilation consists wholly of selected matter or of such matter combined with original composition, and, in either case, it is immaterial whether the materials are obtained from published or unpublished sources or whether the selections are used bodily or their substance is given in the language of the compiler. Such works are often the result of industry, learning, and good judgment, and are useful and valuable contributions to knowledge. They are entitled to and will receive the same protection extended to productions wholly original."

And also the following from page 204:

"To what extent the functions of the compiler must go beyond those of a mere copyist is to be determined by the circumstances of each case. But there must be substantial results due to the operation of his mind; the compilation must have a material value not found in the parts taken separately. The principle is the same whether the common materials are taken by the compiler from published or unpublished sources. If he is not the owner of the manuscripts, if they are common property, his exclusive rights will be determined by the compilation which he has made. Where a collection of statistics had been made from unpublished official records, and it appeared that the compiler had exercised industry and judgment in selection and arrangement, it was held that the requirements of the law as to originality had been fulfilled. But the compiler could have acquired no title to authorship by merely copying the figures as he found them.

"In *Alexander v. Mackenzie*, the validity of the complainant's copyright in a collection of legal forms or 'styles' was questioned on the ground that, in preparing them, he had simply followed the directions prescribed by the statute, and that, under the circumstances, the forms prepared by two or more persons must be substantially the same. The court held that if the statute had contained the forms themselves, and the complainant had simply copied them, his copyright would have failed through want of originality. But, as the statute gave simply directions, it was an act of authorship to prepare the forms pursuant to such directions."

I will mention another consideration or fact which assuredly would make good and valid the copyright on the compilation which is being sold by Mr. Barcus. It is the fact that the compilation he sells is filled with pictures not made by the Government, nor made from plates ever owned by the Government. Each volume of the ten in the set contains these pictures. These pictures were each copyrighted separately by me and the copyright assigned to Mr. Barcus.

The CHAIRMAN. Those were not furnished by the Government?

Mr. RICHARDSON. No, sir; they were taken from the pictures in the White House, with the consent of the President and the private secretary, by Mr. Barcus, and are faithful representations, of course, of the pictures on exhibition in the White House.

Senator ELKINS. They are not in the Government edition?

Mr. RICHARDSON. No, sir; they are not in the Government edition, but appear in this edition. Those in the Government edition are made by the Bureau of Engraving and Printing.

Senator ELKINS. They are not the same as these?

Mr. RICHARDSON. They are not the same, of course. These are made from the White House pictures.

The question of the validity of the copyright of the compilation, however, as I have already stated, is a purely legal one. I do not claim any copyright privilege on any message, proclamation, or other separate paper. I merely insist that the copyright is valid on the form and style of bringing these papers together in the compilation I have made, together with such original matter as was added by me in the shape of editorial notes, biographical sketches, and an index of 700 pages, etc.

Senator ELKINS. Having got your copyright on this, does it protect you against everybody else?

Mr. RICHARDSON. I hope so. It is a question which could only arise—

Senator ELKINS. In a suit?

Mr. RICHARDSON. Yes, sir; if some other publisher were to undertake to take my compilation from me.

Senator ELKINS. Or take it in part?

Mr. RICHARDSON. Senator, of course, that is a legal question, and while I am a lawyer I do not speak *ex cathedra* on that subject. I would not insist that any man could not take any message in this document or any proclamation. It is a Government publication; but I insist that he could not take my form and my style of compilation, or in other words, can not take my book.

Senator ELKINS. Could he substitute different pictures and get out an edition?

Mr. RICHARDSON. I should not like to give a legal opinion. He would have a lawsuit on his hands if he undertook to use my compilation.

Senator ELKINS. The book I have here is one of the Government edition. It is Volume VII, 1869 to 1881, House Miscellaneous Document. This one, I believe, is copyrighted. Just before the preface you will see the words "Copyright, 1897, by James D. Richardson."

Mr. RICHARDSON. These plates are the same plates that we use, and if a publisher gets out a book without giving notice of the copyright, I think under the law he surrenders his copyright.

Senator ELKINS. But Congress itself put out this edition.

Mr. RICHARDSON. Yes, sir.

Senator ELKINS. You were simply a compiler, and how could you, James D. Richardson, copyright a purely Government publication, authorized by the Government, by act of Congress, and put out by the Government through act of Congress?

Mr. RICHARDSON. In publishing this volume I could not copyright it—

Senator ELKINS. But it says so there.

Mr. RICHARDSON. But I put it there simply that it might be on the plate, so that when the plate was used it would be notice to everybody, and it would be a faithful copy of the Government publication, not intending to hold this copyright on it as against the Government.

Senator ELKINS. As I understand, no Government publication has that on it—"Copyright?"

Mr. RICHARDSON. Ordinarily not.

Senator ELKINS. None whatever.

Mr. RICHARDSON. Yes; the Rules, Manual, and Digest of the House of Representatives has been copyrighted at different times. It is a Government publication. But inasmuch as I was going to put this work on sale I preferred to put the word "copyright" there, simply as notice.

Senator ELKINS. But I understand it had not entered your mind when this volume first came out. Your compensation had not been fixed, nor had the plates been given to you.

Mr. RICHARDSON. It had been when the seventh volume was printed.

Senator ELKINS. Is it in the first volume? This is the seventh. What I am after is this: Why was there any copyright of this publication before the Government—if that be the fact—gave you the plates? You explained why it was done afterwards. This copyright here could protect nobody. The committee were discussing the other day the question why, on a purely public edition, the copyright was issued. None of the documents issued by the authority of Congress and under the direction of Congress and paid for by Congress are copyrighted.

Mr. RICHARDSON. I think you will find this is the explanation of it: The first, second, and third volume of the first print do not contain it; but you will understand that latterly, that when the later editions came out, I had determined to try to protect the edition which I was going to put on sale. Therefore I took out the copyright, and in furnishing the title-page to go in the subsequent editions the words "Copyright by James D. Richardson" appear.

Senator ELKINS. What occurred to me was that on a purely Government publication no copyright was needed, and you would not have the right to obtain one.

Mr. RICHARDSON. No, sir; I do not claim it. I will say, generally, upon the question of copyright, when I found how extensive the work was going to be, in talking with friends who believed the work would sell, the idea began to grow that I ought to protect it. After I got into it, possibly after three volumes were out, I thought I ought to protect it by copyright. Then it was that I took out the copyright, in order that the notice might be given to everybody. It was put upon the Government plates, and in that way the words were inserted in each volume, not with any intention of copyrighting the Government edition or of asserting any rights against the Government, but that notice might be given to everybody that I had sought to make a copyright edition. You will find that in volumes one, two, and three of the first edition there is no copyright notice, but in the subsequent editions of these volumes I am inclined to think it was put in, in order that notice might be given.

Senator ELKINS (examining volume). Here it is.

Mr. RICHARDSON. Is that Volume I?

Senator ELKINS. Yes.

Mr. RICHARDSON. It was printed after 1897, because that is the date of the copyright; it was not copyrighted until 1897.

Senator ELKINS. It says: "Washington: Government Printing Office, 1896." This was printed in 1896 according to that, and copyrighted in 1897. That is an anachronism.

Mr. RICHARDSON. It is because it was on the plates. That was all. They did not change it to conform to the other date in the book. This volume may be one of the second or third editions of the work, and actually printed in 1897.

Senator ELKINS. You are a lawyer and a member of Congress and an able man. What I want to get at is: What was the necessity for changing your mind? I do not see how the fact that you put "copyright" on the Government edition protected you or did anything.

Mr. RICHARDSON. I do not think it protected me, except it was notice to outsiders, not to the Government.

Senator ELKINS. Notice? It was in anticipation of your own edition, which was to come out?

Mr. RICHARDSON. Yes, sir; that was all—in anticipation.

Senator ELKINS. Any man picking that volume up would say: It is a curious thing, printed in 1896, copyrighted in 1897, and a Government publication.

Mr. RICHARDSON. It comes from the fact that it is a later edition.

Senator ELKINS. When you applied for the copyright, to whom did you apply?

Mr. RICHARDSON. To the Library.

Senator ELKINS. To Mr. Spofford?

Mr. RICHARDSON. No, sir.

Senator ELKINS. To some man in the Library?

Mr. RICHARDSON. Mr. Solberg is chief of the copyright division in the Library of Congress. The application for a copyright is made theoretically to him, but really, I think, to the chief clerk of the copyright division.

Senator ELKINS. When did you apply to him for a copyright of your publication?

Mr. RICHARDSON. Do you mean the date?

Senator ELKINS. Yes.

Mr. RICHARDSON. I can not speak from memory, but as each book was ready for publication.

Senator ELKINS. He had nothing to do, as I understand, with the copyright of the Government edition? There was really no copyright asked for on that?

Mr. RICHARDSON. No; not as against the Government edition.

Senator ELKINS. You just put that on yourself or it was put on there by someone else?

Mr. RICHARDSON. When I went to him he gave me the copyright certificate.

Senator ELKINS. That is, for your compilation? Was anything done by a Government officer to get a copyright on the Government edition?

Mr. RICHARDSON. No, sir; I think not.

Senator ELKINS. By the Librarian?

Mr. RICHARDSON. I think not. I inserted it there because I had taken out a copyright on the volume.

Senator ELKINS. Upon another volume?

Mr. RICHARDSON. It was the same volume.

Senator ELKINS. But a little different?

Mr. RICHARDSON. It is a little different.

Senator ELKINS. When you applied for a copyright on this work was there any question raised by the officer of the Government who issues or is in charge of copyrights?

Mr. RICHARDSON. None whatever.

Senator ELKINS. Was the question discussed?

Mr. RICHARDSON. Not at all.

Senator ELKINS. No question was raised?

Mr. RICHARDSON. No, sir.

Senator ELKINS. Did Mr. Spofford have anything to do with your compilation?

Mr. RICHARDSON. No, sir.

Senator ELKINS. Nothing in the world?

Mr. RICHARDSON. No; he had nothing to do with the compilation.

Senator ELKINS. I mean with the book—the publishing of it.

Mr. RICHARDSON. No, sir.

Senator ELKINS. I wish to be entirely frank. I asked the question because I observed in one of the Sun articles—which I never saw until I saw them here the other day—that he was in the partnership, or whatever it may be called.

The CHAIRMAN. His name appears as a member of the distribution committee.

Senator ELKINS. Something of that kind. Why is that? He was the Librarian of Congress.

Mr. RICHARDSON. When we were making the index volume, Mr. Barcus suggested that it would be an improvement and make it much more valuable to insert in the alphabetical and synoptical index encyclopædic articles giving United States history as far as we could. That involved a great deal of work, and while I prepared the articles with a gentleman whom Mr. Barcus employed and sent to me to assist, they were all submitted to Mr. Spofford, who read all the proof. In that way Mr. Spofford was first retained by Mr. Barcus, simply on account of his ability as a literary man, in order that we might make no mistakes in the history which we were trying to perpetuate.

The CHAIRMAN. His national name had something to do with it?

Mr. RICHARDSON. Not at that time. He was afterwards retained in the sale of the work, but this was first in the preparation of the index, of course in anticipation of the fact that they were trying to make a valuable history which would have intrinsic value and would be worth something to the public at large.

Senator ELKINS. You think that having taken out a copyright on your compilation gives you the exclusive right and protects you against any publisher infringing or attempting to publish the same?

Mr. RICHARDSON. My compilation?

Senator ELKINS. Yes.

Mr. RICHARDSON. Yes, sir.

Senator ELKINS. That was your reason for having it copyrighted?

Mr. RICHARDSON. Yes, sir; in the beginning or at any time. I did not think it fair, after I had worked over four years on it and got no compensation from the Government, that my compilation should be taken by a book publisher and printed and put upon sale. For that reason, and that reason only, I felt I had a right to take out a copyright.

I wish to add that I think in giving me the plates it was understood that I was to put out an edition and put it upon sale in order that I might in some way receive some compensation for my labor. I would have had no use for six or seven thousand pounds of metal in the plates except to put an edition on sale.

Now, I will conclude my general statement. In pursuance of what was well understood and known by all when the plates were given me I have made a contract to put the work on sale to such persons as may wish to purchase it. To this end, on April 2, 1898, I made such a contract with "James S. Barcus Company," of New York City. I did not do this until after a careful inquiry, when I learned that Mr. Barcus, the head of the firm, was an honorable man, and responsible for his contracts. My contract with the firm is that they were to take my plates and publish the work at their own expense, to sell it, and pay me a royalty on the sales. I was not myself to put a dollar into the work, and have not done so.

Senator ELKINS. Did you sell them the plates or the right to use the plates?

Mr. RICHARDSON. I will read the first sentence of the contract with Mr. Barcus, which shows:

"The party of the second part (Richardson) hereby grants to the party of the first part (J. S. Barcus Company) the exclusive use of the plates owned by the party of the second part for the printing of the Messages and Papers of the Presidents in ten volumes, including the index volume, and the party of the second part (Richardson) agrees that the party of the first part (J. S. Barcus Company) may transport said plates to any printing establishment which the party of the first part may elect."

It is the exclusive use of those plates.

Senator ELKINS. You are simply to get a royalty?

Mr. RICHARDSON. Yes, sir.

Senator ELKINS. Have you any objection to stating what the royalty is?

Mr. RICHARDSON. I have not. I am perfectly willing to tell you. This royalty is a comparatively small one, and will be stated to the committee if they desire. There is no secret about it. I have nothing, absolutely nothing, to do with the sale of the work nor with the management, nor with the business of the firm. These are matters entirely with the publishers.

Several months after the contract to which I have referred was made with the James S. Barcus Company the company adopted the trade name, Committee on Distribution. This, I think, was about September, 1898. I will read an extract from the contract with James S. Barcus Company:

"The party of the first part agrees to pay the party of the second part 75 cents per set for all sets of said Messages and Papers of the Presidents sold by the party of the first part, either in local or other markets; statement to be made by party of the first part to party of the second part once every three months and settlement in full to accompany each statement to date of statement."

The CHAIRMAN. I should like to inquire how many copies have been sold.

Mr. RICHARDSON. I can not testify on that, because I do not know. You will have to get that information from the publisher.

I wish to say here that complaints in some instances have come to me from members of the Senate and of the House as to the action of the canvassers and others in selling the work. In these cases I have referred them to the company, and I think they have always been very prompt to answer those complaints.

I wish to put in here a letter addressed by the treasurer of the company, Mr. Bodmer, to Senators and Members several months ago. It shows I have nothing to do with the business management of the company and shows their willingness to give prompt attention to all complaints. I will read it:

[Committee on Distribution, Messages and Papers of the Presidents, James D. Richardson, Tennessee, editor.]

WASHINGTON, D. C., February 5, 1900.

DEAR SIR: If you receive complaints from your constituents of the canvassers in your district for the Messages and Papers of the Presidents, I shall appreciate the courtesy if you will kindly inform me of the circumstances.

We exercise great care in the selection of our representatives and they have generally proved worthy of confidence. There are, however, occasional exceptions, and when it appears that their methods are not satisfactory we are obviously interested in knowing it. Any communication from you relating to this subject will receive our immediate attention.

It is, perhaps, proper to announce in this connection that Hon. James D. Richardson, of Tennessee, the editor and compiler of the Messages and Papers, receives a royalty on all sales from the publishers, and that he is not in any way responsible for the publication and sale of the book.

Very truly, yours,

R. J. BODMER, *Treasurer.*

That letter was sent to Senators and Members several months ago.

The CHAIRMAN. To all Senators?

Mr. RICHARDSON. To all Senators and Members.

Senator ELKINS. You said something about the Committee on Distribution.

Mr. RICHARDSON. I say that name was adopted by them about September or October, 1898, about four or five months after my contract with J. S. Barcus Company was made.

Senator ELKINS. Now explain, please, what were its functions.

Mr. RICHARDSON. It was simply a trade name, as I understood it, adopted by the company, but I prefer that Mr. Barcus should testify on that point, because it is a matter of his business.

The CHAIRMAN. A trade name? Why did he put at the head of it "House of Representatives?"

Mr. RICHARDSON. That was not done. In the beginning of the sales, say about the month of September or October, 1898, a few appointments of salesmen were made upon paper of the House of Representatives, as I am informed. I think a few were, possibly a half dozen, not more; but this was immediately stopped and these appointments were called in and canceled, and no more were made.

The CHAIRMAN. Since when?

Mr. RICHARDSON. I think I would say about October or November, 1898; a year and a half ago. I do not believe there would have been any one of those which would have been seen, except the agent in one case was discharged, as I am informed. I speak from information on this point. He kept his appointment. It was not sent out to influence anybody or to overreach anybody, as I am informed.

Senator ELKINS. Did the committee use the House of Representatives paper?

Mr. RICHARDSON. No, sir; only about a half a dozen sheets were ever used.

Senator ELKINS. Who used it, you?

Mr. RICHARDSON. No, sir.

Senator ELKINS. Who got hold of it?

Mr. RICHARDSON. I think they were sent out from the office by one of the clerks. I had a lot of paper at the office. It was after the office was removed to Washington.

Senator ELKINS. To Washington or New York?

Mr. RICHARDSON. After it came from New York to Washington—about September, or October, or November, 1898. The business was all done at first in New York City.

Senator ELKINS. Some of the agents used the Government paper?

Mr. RICHARDSON. I think a half a dozen sheets were probably used,

but they were not used generally. I do not think over a half dozen sheets were used. It was stopped immediately, because it was not the proper thing to do, and the company was not attempting to use it at all.

Possibly I ought to mention the fact that at one time the House of Representatives passed a resolution, a copy of which I will insert:

*"Resolved by the Senate (the House of Representatives concurring), That the Public Printer be, and is hereby, authorized to employ such clerical aid as he may find necessary in the copying, under the direction of the Joint Committee on Printing, of the messages of the Presidents of the United States from the Journals of the Senate and House and the Executive Journals for the printing thereof, and that the expense therefor, not to exceed \$600, be paid out of the appropriation for public printing and binding."*

It authorized me to employ some clerical help for typewriting the messages and documents and proclamations of which I could not get copies, and I employed four or five typewriters and sent them to the different places where those copies were to be made. I believe there was an appropriation of \$600 or \$800 for that purpose, but it was paid out to the typewriters. I think you have a memorandum of it.

The CHAIRMAN. Yes; on December 24, 1895, a concurrent resolution was passed authorizing the Public Printer to employ clerical aid not to exceed \$600 for that purpose.

Mr. RICHARDSON. It was afterwards increased, and probably two or three hundred dollars added to it, and it was used for clerical work.

I desire to say that in getting these papers I had to go through not only all the Journals of the Senate and the House of Representatives, and also the Executive Session Journals, from the beginning of the Government, in 1787, but I also went through all the archives of the State Department in order to get the proclamations. I also went through all of the contemporaneous newspaper publications issued in New York and Philadelphia while the first Congresses were sitting in those cities, and also Sparks' Washington and the Broad-sides, which were newspaper publications, and the National Intelligencer, hunting up these proclamations of the Presidents, which, it is a fact, the State Department did not possess.

I found that in a large number of instances the Government itself did not have in its archives these proclamations of the Presidents. I found them, as I say, in the contemporaneous newspaper publications, the National Gazette, published in New York and, I believe, in Philadelphia, and these other periodicals to which I have referred. In many instances I have inserted in this publication those proclamations when, as a fact, they are not in the archives of the Government, in the State Department, or in any other department of the Government.

The CHAIRMAN. And they are not in any of the issues except this issue of yours?

Mr. RICHARDSON. Oh, yes, indeed. I put them into the Government edition. Every one is in the Government edition, and in this edition also. But before this publication the Government did not possess the proclamations of the Presidents of the United States, and they could not have been found except by going through and turning page by page these voluminous newspaper publications which I have mentioned.

The CHAIRMAN. Where did you find them—in the Library?

Mr. RICHARDSON. I found some of them in the Library of Congress.

Senator ELKINS. The National Intelligencer?

Mr. RICHARDSON. The National Intelligencer.

Senator ELKINS. Niles's Register?

Mr. RICHARDSON. Niles's Register and Sparks's Washington and the Broad-sides, and then the National Gazettes that were printed in New York and Philadelphia while Congress was sitting in those cities.

The CHAIRMAN. I think the important point which the public will want to understand is what money you have received from the royalties. What have you received? I asked you a question as to the number, and you said you did not know.

Mr. RICHARDSON. I understood you to ask as to the number of copies that had been printed by Mr. Barcus. I do not know the number. I can state what I have received, if the committee deem it important.

The CHAIRMAN. I think it is important, not only for the committee, but for your own satisfaction and protection.

Mr. RICHARDSON. Yes, sir.

The CHAIRMAN. It seems to me you should give us some information on that point.

Mr. RICHARDSON. What I have received in royalties from the sale of this book?

Senator ELKINS. Up to date.

Mr. RICHARDSON. I have received \$11,300, in round numbers.

The CHAIRMAN. I think it is very important for you that it should be known. The public generally seem to think you have received a large sum of money. You have received nothing further as royalty?

Mr. RICHARDSON. Nothing.

The CHAIRMAN. It seems to me it is a very important point for your own protection that it should be known.

Mr. RICHARDSON. I thank you, sir.

Senator ELKINS. What do you think, now that the matter is under way, will be your ultimate royalties on this work? Can you form any judgment about it?

Mr. RICHARDSON. No, sir; it depends upon the success of the publisher.

Senator ELKINS. If a man spends a half million dollars getting ready he ought to get something. I refer to the firm, of course.

The CHAIRMAN. It seems to me that would depend entirely upon circumstances. It would depend largely upon how much of a black eye this newspaper comment has given the enterprise.

Mr. RICHARDSON. Precisely, sir. I could not venture an opinion upon it, for I have no idea.

Senator ELKINS. The New York Sun appears to pay particular attention to this matter. Have you read the articles in the Sun bearing upon this subject?

Mr. RICHARDSON. I must say that I have not read all of the articles recently appearing in the editorial columns of the Sun. I have in my hands now 40 or 50 columns of complimentary reviews of these books which appeared in the Sun from time to time. I shall not put them in your record, because it would fill a volume to do it. There are 50 columns of reviews that appeared in the New York Sun from time to time as these books came out, all complimentary, so far as I remember.

Senator ELKINS. In these recent publications in the Sun has your attention been drawn to any particular charge which you would like to correct or contradict or deny?

Mr. RICHARDSON. I have endeavored in my statement to cover the points they make, so far as I have observed them.

Senator ELKINS. I thought there might be particular ones.

Mr. RICHARDSON. If my attention is directed to any particular item upon which I have not touched I will answer it.

Senator ELKINS. For instance, there was an article yesterday in the Sun.

Mr. RICHARDSON. Yes, sir.

Senator ELKINS. I believe it was about the House of Representatives matter.

Mr. RICHARDSON. It was about the matter I have referred to here.

Senator ELKINS. You have explained that.

Mr. RICHARDSON. So far as I know, and I venture to assert without any fear of contradiction—Mr. Barcus was not here, but, then, his manager, who is present, will swear, and I have no doubt that is the fact—that there were not exceeding a half a dozen, or a dozen at the farthest, sheets of that paper used inadvertently, and it was stopped immediately, and not another one was used. It was not done with any intention of giving the appearance that it was a Government publication at all, because they were not intended for the public.

The CHAIRMAN. I think it is very desirable that you should refute any statement made in the Sun which you wish to refute.

Senator ELKINS. Is the letter which is published in the Sun true? I refer to the Sun of April 20, 1900, purporting to be signed by you.

Mr. RICHARDSON. That is the one where they inadvertently used the House of Representatives paper in October, 1898. That is one of the half dozen; and I think this is possibly the only one that was not taken in.

Senator ELKINS. This letter was signed by you and not by the committee.

Mr. RICHARDSON. It was signed with a rubber stamp, not by myself.

Senator ELKINS. That was in connection with the sale of this compilation?

Mr. RICHARDSON. Yes, sir; they inadvertently used it.

The CHAIRMAN. Here is one of these letters [exhibiting]. Your name and Mr. Spofford's are made very prominent in the whole business.

Mr. RICHARDSON. This is not House of Representatives paper. My name appears only as editor on this sheet, and never appeared in any other way.

The CHAIRMAN. I know that; but the men to whom it is sent would not know whether it is House of Representatives paper or not. They would only notice "House of Representatives;" and your name appears there and Mr. Spofford's appears.

Mr. RICHARDSON. The words "House of Representatives" do not appear on this sheet at all; simply, Messages and Papers of the Presidents, Committee on Distribution. My name is down in the corner as editor, simply. The name Committee on Distribution never appeared on any sheet of paper with the words "House of Representatives" that I ever saw or heard of.

The CHAIRMAN. Here is the one to which I had reference, reprinted in the Sun.

Mr. RICHARDSON. Yes; that is the one Senator Elkins showed me a moment ago.

The CHAIRMAN. It seems to me that that heading was adopted for the purpose of deceiving the public. That is the way it would strike me. It says, "Committee on Distribution."

Mr. RICHARDSON. It would have been had House of Representatives' paper been used, but it was not. I had been using my stationery at

the committee room, and this sheet was inadvertently used. It was not intended to be so used, and was not used.

The CHAIRMAN. As I recollect, this is a facsimile of the heading of House of Representatives' paper?

Mr. RICHARDSON. No, sir; that was used by the company, but I do not think it is a facsimile. It is not. It may be in somewhat similar type, but the words "House of Representatives" do not appear on it.

Senator ELKINS. The Sun charges that the last seven volumes have the words "Copyright by James D. Richardson" on them—a Government publication. Is that true?

Mr. RICHARDSON. It is.

Senator ELKINS. There appears in the Sun of Monday, April 16, 1900, a letter signed by C. H. McCall, clerk. The letter head is as follows:

"Committee on Distribution.  
"Messages and Papers of the Presidents.

"JAMES D. RICHARDSON, Tennessee,  
*Editor.*

"AINSWORTH R. SPOFFORD,  
*General Secretary."*

Mr. Spofford was general secretary of what?

Mr. RICHARDSON. That is a business matter, and I do not know anything about it.

Senator ELKINS. Your name is there?

Mr. RICHARDSON. It is merely there as editor of the work. My name was used only as editor.

Senator ELKINS. "Ainsworth R. Spofford, general secretary." What was he secretary of—secretary of some company?

Mr. RICHARDSON. Secretary of the Committee on Distribution, I suppose.

The CHAIRMAN. That is an imaginary committee, I understand?

Mr. RICHARDSON. It is a trade name, they claim.

Senator ELKINS. But your name is used.

Mr. RICHARDSON. Simply as editor of the work.

The CHAIRMAN. I would rather infer that Mr. Barcus, as a sharp business manager, wanted Mr. Spofford's name to appear there, for everybody has known for years who Mr. Spofford is.

Senator ELKINS. Mr. Richardson, I call your attention to the following article appearing in the New York Sun of the 18th of April, 1900:

#### "THE RICHARDSON CALENDAR.

"It used to be the fashion to put forth about Christmas time ornate calendars specially dedicated to a single great author. We have had Shakespeare calendars, Browning calendars, Longfellow calendars, Emerson calendars, and so on. The Hon. James D. Richardson, of Tennessee, seems to us to be entitled to this distinction. He is an author. If he is not the author of the messages and papers of the Presidents, over which he has spread his comprehensive claim to copyright, he is at least the author of the scheme which culminated in the 'committee on distribution,' and that is enough to make his name conspicuous in the history of literary enterprise. No other American author ever did what Richardson has done.

"Furthermore, a condensed exhibit of the successive steps marking the progress of the Hon. James D. Richardson's master performance in

literature will serve as an enlightening preface to certain arithmetical computations which we propose to make, in a modest, tentative, hypothetical way:

*"September 12, 1893.*—Richardson, as chairman of the House Committee on Printing, reported a bill, drawn by himself, which contained a provision allowing the sale to private individuals by the Public Printer of duplicate plates of Government publications. Passed with Mr. Dingley's amendment making it illegal to copyright any Government publication.

*"June 11, 1894.*—Richardson, as chairman of the House Committee on Printing, reported a resolution providing for an edition of 6,000 copies of a public document reprinting the messages and proclamations of all the Presidents. Adopted.

*"June, 1894.*—Richardson, as an historical enthusiast and public-spirited servant of the people, volunteered to look after the compilation of this document himself.

*"June, 1894.*—Richardson procured the insertion of an amendment, in the Senate, giving him 'full power and discretion to do this work for and on behalf of the committee.' Adopted.

*"February 22, 1896.*—Richardson wrote a preface publicly dedicating to his country the time and labor he might spend on this compilation.

*"April 11, 1896.*—Richardson announced the immediate appearance of Volume I of 'Messages and Papers,' and offered a resolution providing for the distribution to Senators and Representatives of their respective quotas. Asked what was to become of the fraction, or remainder of the edition, amounting as then estimated to 500 sets, or over, Richardson replied that under the law the fraction would go to the superintendent of documents, 'to be by him distributed mainly upon orders of members of Congress.'

*"April, 1896.*—Richardson procured at the Senate end of the Capitol the insertion of an amendment providing that the fraction of the edition should go 'to the compiler,' that is, to Richardson. Adopted.

*"May 18, 1896.*—House adopted a resolution providing for an additional edition of 15,000 of 'Messages and Papers.' Actual cost to Government estimated at 75 cents per volume. Richardson silent.

*"May 22, 1896.*—Resolution for 15,000 extra copies amended in Senate so as to give the compiler the 'fraction' again.

*"May 11, 1897.*—Richardson besought Congress to make him a gift of a duplicate set of the Government plates. Estimated the actual cost of same at \$1,200. Informed by Mr. Cannon that the Public Printer's estimate of cost was \$3,600, he replied that Mr. Cannon was probably right. Questioned about possible claim to copyright, Richardson replied that such copyright was explicitly prohibited by law. Congress voted the plates to Richardson.

*"May, 1897.*—Richardson began to impress the legend, 'Copyright, 1897, by James D. Richardson,' upon the successive volumes of this public document.

*"April, 1899, or thereabouts.*—'Committee on Distribution,' began to advertise 'Messages and Papers' as a work of thrilling interest, authorized by the Government, and of such importance that a private publisher could not have produced it for less than a million dollars.

*"July 4, 1899.*—Richardson put to press the tenth and last volume of 'Messages and Papers,' repeating his declaration that if the book 'shall prove satisfactory to Congress and the country, I will feel compensated for my time and effort.'

"*August, 1899.*—Agents of 'Committee on Distribution' began to sell copies of 'Messages and Papers' at \$34 a set, on the pretense that the Government was behind the distribution of the work, and that sets were allotted as a matter of favor only to selected persons, a few in each Congressional district, the edition of this Government publication having been limited to 6,000.

"*January 5, 1897, to January 18, 1898.*—Six separate resolutions in Congress providing for further editions of 'Messages and Papers' of from 7,000 to 30,000 copies, for free distribution to the people, were referred to Mr. Richardson's Committee on Printing and chloroformed there. None was ever reported.

"*January 30, 1900.*—Richardson's attention was called in Congress to the fraudulent practices of the agents of the 'Committee on Distribution.' Richardson replied that he had nothing to do with the sale of the work. Had made a contract with Barcus, 'a man of high character,' by which he, Richardson, received 'a small royalty.'

"*February, 1900.*—Richardson applied to Congress for permission 'to compile, edit, and publish, without expense to the Government, the State papers and diplomatic correspondence of the late Confederate States.' Permission granted.

"*March 7, 1900.*—Barcus issued a card to the Republican voters of the Fifth Congressional district of Indiana, informing them that he had 'a strong liking for the sort of political work and political duty which properly come within the province of a Representative in Congress.' Announced himself as a candidate for nomination by the Republican district convention on the 15th of next month.

"Such is the skeleton history of one of the most audaciously conceived and unscrupulously promoted schemes on record for the acquisition of a monopolistic franchise and the exploitation of public literary property for private gain.

"The constant burden of Richardson's frequent 'statements' and 'explanations' has been that Congress has imposed upon him a work of tremendous magnitude, in comparison with which the donation of a few fragments of editions, and a beggarly set of duplicate plates was hardly worth the mention. What he has actually made out of the job is a matter of conjecture. Richardson knows to a dollar, but we don't. Let us try a few figures:

"Commercial value of 'fragment' of first Government edition of 6,000 sets, estimated by Richardson's colleagues at from 500 to 700 sets, at \$10 a set; yielding at the minimum estimate a possible.....	\$5,000
"Same for the second Government edition of 15,000 sets, the 'fragment' also voted to compiler.....	5,000
"Actual cost of production of duplicate plates, as estimated by Public Printer.....	3,600
"'Small royalty' of, let us say, \$2 a set on, let us say, 20,000 copies of 'Messages and Papers' marketed by 'Committee on Distribution'.....	40,000
"Total to Richardson to date .....	53,600

Mr. RICHARDSON. I will simply say that I had nothing to do with the adoption of the name Committee on Distribution, and I think all the material points mentioned are covered by the statement I have already made as to the matter under investigation by this committee.

**THE NEW YORK SUN.**

The CHAIRMAN. In view of the articles which have appeared in the New York Sun on this subject I caused the following telegram to be sent to Mr. Lord, of that paper:

APRIL 30, 1900.

Mr. CHESTER S. LORD,

*The New York Sun, New York City:*

Do you desire to present before Printing Committee any facts with reference to the Richardson case? If so, who will come, and when is the soonest possible day he will appear?

T. C. PLATT, *Chairman.*

The following telegram has been received in reply:

NEW YORK, *April 30.*

Hon. T. C. PLATT:

There are no facts that we desire to present to the attention of the committee other than those already disclosed in the articles in the Sun.

CHESTER S. LORD.

At 11.45 o'clock a. m. the committee adjourned until Friday, May 4, 1900, at 10 o'clock a. m.

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WASHINGTON, D. C., *May 4, 1900.*

The committee met at 10 o'clock a. m.

Present: Senators Platt, of New York (chairman), and Elkins; also Hon. James D. Richardson, Ainsworth R. Spofford, James S. Barcus, George W. Siever, and R. J. Bodmer.

**TESTIMONY OF JAMES S. BARCUS.**

JAMES S. BARCUS, being duly sworn, was examined and testified as follows:

The CHAIRMAN. Where is your residence?

Mr. BARCUS. Terre Haute, Ind.

The CHAIRMAN. How old are you?

Mr. BARCUS. Thirty-seven years.

The CHAIRMAN. Where is your business place?

Mr. BARCUS. Washington, D. C.

The CHAIRMAN. What is the firm?

Mr. BARCUS. The Committee on Distribution.

The CHAIRMAN. Is that the firm name?

Mr. BARCUS. Yes, sir.

The CHAIRMAN. I thought it was James S. Barcus Company.

Mr. BARCUS. J. S. Barcus Company is really out of existence.

The CHAIRMAN. When did you change it?

Mr. BARCUS. Perhaps I had better explain that in a few words.

The CHAIRMAN. Very well.

Mr. BARCUS. The firm name J. S. Barcus Company was used in the sale of a literary compilation—a cyclopedia of literature—and the plates we sold nearly two years ago, and we continued to use that name for

collections and for giving notes for a while, but for the past year our notes have been given by the Committee on Distribution. That has been the firm name.

The CHAIRMAN. Who are the members of the Committee on Distribution?

Mr. BARCUS. I am the principal owner in that. It is merely a trade name which we adopted. It is not organized.

Senator ELKINS. Is it a corporation?

Mr. BARCUS. No, sir.

Senator ELKINS. An association?

Mr. BARCUS. Just a partnership; a commercial name.

The CHAIRMAN. Certain names appear as members on the circulars sent out?

Mr. BARCUS. Yes, sir.

The CHAIRMAN. You have a secretary and treasurer?

Mr. BARCUS. Yes, sir. Mr. R. J. Bodmer is treasurer and Mr. Spoford is the secretary.

The CHAIRMAN. It is not incorporated?

Mr. BARCUS. No, sir.

The CHAIRMAN. Is it merely a firm name?

Mr. BARCUS. Just a firm name.

The CHAIRMAN. How long have you been doing business under this name?

Mr. BARCUS. Since about September, 1898. That is according to the best of my recollection.

The CHAIRMAN. Was there no record of any such corporation or the existence of any such firm?

Mr. BARCUS. No record was made on the public records. I knew of no requirement for recording it.

The CHAIRMAN. There is no requirement.

Mr. BARCUS. I knew of no requirement to record a firm name of that kind.

The CHAIRMAN. There are charges that the whole thing is a fraud, and we are trying to get at the truth of the matter.

Mr. BARCUS. I understand.

The CHAIRMAN. We wish to find out whether that was done as a legitimate business transaction or for the purpose of deceiving the public?

Mr. BARCUS. It was done for the purpose of doing a legitimate business, as, I think, we can satisfy you.

The CHAIRMAN. Did you go out of the other business?

Mr. BARCUS. Yes, sir.

The CHAIRMAN. There is now no such firm as J. S. Barcus Company?

Mr. BARCUS. No. I think the name has been dropped from the commercial agencies. I am not sure of that, however.

The CHAIRMAN. Has the new name been adopted in the commercial agencies?

Mr. BARCUS. I think not. We were asking for no credits under that name, except from those with whom we were personally acquainted, and there is no occasion for it.

The CHAIRMAN. Does your own name appear in the commercial agencies?

Mr. BARCUS. I do not believe it does now, Senator.

The CHAIRMAN. When did you move from New York?

Mr. BARCUS. In July.

The CHAIRMAN. 1899?

Mr. BARCUS. 1899.

Senator ELKINS. Mr. Barcus, you say you are now a resident of Indiana.

Mr. BARCUS. Yes, sir.

Senator ELKINS. But were you before a resident of New York?

Mr. BARCUS. Yes, sir.

Senator ELKINS. You lived there?

Mr. BARCUS. Yes, sir.

Senator ELKINS. Were you in the publishing business?

Mr. BARCUS. Yes, sir.

Senator ELKINS. That has been your business?

Mr. BARCUS. Yes, sir.

Senator ELKINS. What was the name of your firm or of the corporation in New York—J. S. Barcus & Co.?

Mr. BARCUS. J. S. Barcus Company.

Senator ELKINS. That was a corporation?

Mr. BARCUS. No; it was not a corporation.

Senator ELKINS. Simply an association?

Mr. BARCUS. Yes, sir; an association.

Senator ELKINS. And you have been a resident of Indiana how long?

Mr. BARCUS. Since July, 1899.

The CHAIRMAN. Where were you born and reared?

Mr. BARCUS. In Indiana. I have been a property owner there practically all the while since I have been away.

Senator ELKINS. Mr. Chandler and others desire that we shall, under the resolution, and I think we ought to, get all the facts about your business and the contract, because here are some serious charges, and there are letters alleging that there was attempted fraud on the people of the country in putting out this work and in selling it. When was this contract made with Mr. Richardson, and by whom was it made, and how and under what circumstances, and who originated the idea? Tell all the facts connected with the making of the contract.

Mr. BARCUS. Yes, sir.

Senator ELKINS. Is the contract which was read from by Mr. Richardson the only contract made with him?

Mr. BARCUS. That is the only contract.

Senator ELKINS. Is that the only contract; Barcus & Co. never had a contract with Mr. Richardson?

Mr. BARCUS. Barcus & Co. made the contract with Mr. Richardson.

Senator ELKINS. That was the first one?

Mr. BARCUS. That was the only one.

Senator ELKINS. Was that assigned to the committee?

Mr. BARCUS. I was the sole owner of J. S. Barcus Company.

Senator ELKINS. Was that contract assigned to the Committee on Distribution?

Mr. BARCUS. No; it was not assigned to the Committee on Distribution. It simply rested there, because I was the sole owner.

Senator ELKINS. Explain the facts. You can see a cluster of facts around that. Go on and state the facts about the first contract made by you, by whom it was made, and with whom, and under what circumstances, and when and where?

Mr. BARCUS. I heard accidentally that Mr. Richardson had a set of the plates. I had obtained a set of the books through Representative Quigg, in New York.

Senator ELKINS. He, as a member of Congress, sent them to you?

Mr. BARCUS. Yes, sir. My secretary, who had been a page in the

House of Representatives for some five years, told me, as a mere matter of publishers' chat, that Mr. Richardson had a duplicate set of the plates from which he was to publish the books for private sale. I opened up correspondence with him.

The CHAIRMAN. With whom?

Mr. BARCUS. With Mr. Richardson. Sometime in the early part of April, 1898, as I remember it, we entered into a contract.

Senator ELKINS. State who entered into the contract?

Mr. BARCUS. Mr. Richardson and I. The contract was signed by J. S. Barcus Company. That was the style under which I was doing business at that time.

Senator ELKINS. You owned all the stock?

Mr. BARCUS. It was not a stock company.

Senator ELKINS. You were J. S. Barcus Company?

Mr. BARCUS. Yes, sir; it was merely a trade name.

Mr. SIEVER. State when and where the contract was made.

Mr. BARCUS. It was made here in Washington.

Senator ELKINS. At what time?

Mr. BARCUS. I have given the date as I recall it [a pause] April 2, 1898.

Senator ELKINS. It was made in Washington?

Mr. BARCUS. Yes, sir.

Senator ELKINS. Between you and Mr. Richardson?

Mr. BARCUS. Yes, sir.

Senator ELKINS. Go ahead now.

Mr. BARCUS. Up to a month or less before that date I did not know of the set of plates, and I did not have the pleasure of Mr. Richardson's acquaintance. I mention that matter merely to show that my interest in the transaction has been a commercial one from the start.

Senator ELKINS. Was that the contract from which Mr. Richardson read when he was testifying day before yesterday?

Mr. BARCUS. Yes, sir.

Senator ELKINS. The contract you refer to is the same one mentioned in the testimony of Mr. Richardson the other day?

Mr. BARCUS. Yes, sir; giving him a royalty of 75 cents per set.

We then proceeded to experiment with the sale, with a view to conducting it in a large way if it should prove hopeful, but not intending to sell, except for the first experiment, under the trade name which we were then using. We expected to select some name appropriate.

Senator ELKINS. You were using the name of J. S. Barcus Company?

Mr. BARCUS. Yes, sir; we expected to select some name appropriate to the book, as is the custom among publishers selling subscription books.

I desire to shirk no responsibility whatever. I do wish to say, however, that soon after this contract was made I went to Europe, and the managers who were in charge of my business selected the name "Committee on Distribution," while I was away.

Senator ELKINS. What is the Committee on Distribution; who compose it; when was it formed, and where and how?

Mr. BARCUS. The Committee on Distribution is a business trade name. I was the sole investor to start with, but I have associated with me some gentlemen. Mr. Bodmer—

Senator ELKINS. Where does he live?

Mr. BARCUS. Mr. Bodmer then lived in New York.

Senator ELKINS. Give his full name and address?

Mr. BARCUS. Rudolph J. Bodmer, then of New York. He afterwards moved to Washington; he resides here now.

The CHAIRMAN. He is your business manager?

Mr. BARCUS. Yes, sir.

Senator ELKINS. Treasurer?

Mr. BARCUS. General manager and treasurer. He is present this morning.

Senator ELKINS. Who else?

Mr. BARCUS. Mr. Willard F. Hallam.

Senator ELKINS. Where does he live?

Mr. BARCUS. Harpers Ferry.

Senator ELKINS. Are these all who are concerned, indirectly or directly, as stockholders or associates?

Mr. BARCUS. The only ones directly concerned in the division of profits—

Senator ELKINS. Who constitute the Committee on Distribution?

Mr. BARCUS. And Mr. Spofford, who was paid a salary.

Senator ELKINS. Did you draw up under this Committee on Distribution a contract or association papers between yourselves?

Mr. BARCUS. No, sir; no more than a contract between each of these gentlemen and myself.

The CHAIRMAN. Are these contracts in writing?

Mr. BARCUS. Yes, sir; we have contracts in writing.

Senator ELKINS. Among you three gentlemen making the Committee on Distribution?

Mr. BARCUS. It is not a joint contract among the three, but I have a contract with Mr. Bodmer and a contract with Mr. Hallam.

Senator ELKINS. Separate contracts?

Mr. BARCUS. Yes, sir. It was regarded as an individual business to me, not anticipating any interest the public might have in a private concern.

Senator ELKINS. Were they to share in the profits with you, or were they employed by you?

Mr. BARCUS. To share in the profits with me.

Senator ELKINS. The Mr. Spofford referred to is Mr. Ainsworth R. Spofford, the Librarian or Assistant Librarian of Congress?

Mr. BARCUS. Yes, sir.

Senator ELKINS. What was Mr. Spofford's connection with the matter?

Mr. BARCUS. Mr. Spofford was employed to—

Senator ELKINS. He did not belong to the Committee on Distribution as a member of it?

Mr. BARCUS. No, sir; any more than that he was employed to act as the general secretary.

Senator ELKINS. General secretary of the Committee on Distribution?

Mr. BARCUS. Yes, sir.

Senator ELKINS. He was paid a salary?

Mr. BARCUS. Yes, sir.

Senator ELKINS. He had no interest in the profits?

Mr. BARCUS. He had no interest in the profits more than his salary.

Senator ELKINS. What were his duties?

Mr. BARCUS. He was employed primarily to criticize and suggest in connection with the index which we proposed to get out in an exhaustive and scholarly manner.

Senator ELKINS. An index to what?

Mr. BARCUS. To the Messages and Papers.

Senator ELKINS. The Messages and Papers of the Presidents?

Mr. BARCUS. Yes, sir.

Senator ELKINS. The plates of which had been sold to you, or assigned to you?

Mr. BARCUS. They had been leased to me. They had not all been made when I made this contract. But three volumes of plates had been completed.

Senator ELKINS. Is Mr. Spofford still connected with you?

Mr. BARCUS. No, sir.

Senator ELKINS. When did his connection cease?

Mr. BARCUS. About three or four weeks ago.

Senator ELKINS. How long was he in your service?

Mr. BARCUS. Something like two years; nearly two years.

Mr. SIEVER. Let the witness state the balance of his duties.

Senator ELKINS. Of course.

Mr. BARCUS. Mr. Spofford was with us from soon after the making of the contract with Mr. Richardson. I do not recall just the date. It could not be two years. Well, yes, it might be; nearly two years.

The CHAIRMAN. You ought to be able to tell the time if you had to pay him a salary.

Mr. BARCUS. Mr. Chairman, I personally have not had the pleasure of paying the salary, and I do not recall the details. I have not been active in this work. Mr. Spofford was very free and cheerful in his advice, and we thought it very valuable, and we then asked him to continue to advise us with reference to the advertisements and circulars, letters, etc., in order that we might be historically correct and have them prepared in good literary style. I was necessarily absent from the active business management all the time. I was in Boston and at the university during and up to last year, when I was graduated.

The CHAIRMAN. From what law school?

Mr. BARCUS. Columbia University. I was exceedingly anxious to have the wise counsel of Mr. Spofford in connection with the business, so that no mistakes would be made. I had every confidence in the young men who were managing the business, but at the same time his experience and learning seemed to me an advantage, because in writing advertisements and the like a good many statements were made as to the superiority of the book, and we did not want to exaggerate the statements.

Senator ELKINS. State all you know of Mr. Spofford's connection with the matter and bring out the facts, because his name is mentioned and put down here.

Mr. BARCUS. I gave directions that no innovation should be practiced in the business without Mr. Spofford's O. K. to the circulars or letters. I have here some form letters and advertisements, etc., bearing his signature, O. K.ing them after inspecting, and in many instances correcting here and there important errors, giving a different turn to the language or eliminating a statement which might not be quite correct.

Senator ELKINS. Did he revise everything that went into the compilation?

Mr. BARCUS. Do you mean the book itself?

Senator ELKINS. Yes.

Mr. BARCUS. He read, I believe, word for word, punctuation for punctuation, the entire index part of the book.

Senator ELKINS. He was confined mostly or entirely to the index?

Mr. BARCUS. Yes; with the compilation proper I think he had nothing to do.

Senator ELKINS. You have your office here in town and Mr. Bodmer is in charge of the office?

Mr. BARCUS. After we had been running some months. Our main office in the first place was in New York. We opened a branch office here, but it seemed the more natural thing to have headquarters for this particular book in Washington, and we moved to Washington.

Senator ELKINS. You now have your main office here?

Mr. BARCUS. Yes, sir.

Senator ELKINS. And branch offices where?

Mr. BARCUS. In New York, Boston, Chicago, St. Louis, Cincinnati, Louisville, Detroit, Minneapolis, Philadelphia, San Francisco. I may have omitted one or two, and I may have stated one or two places where the offices have been discontinued.

Senator ELKINS. What do the branch offices do?

Mr. BARCUS. Their business is to make sales and send the orders in to the main office.

Senator ELKINS. And to distribute the books?

Mr. BARCUS. In some cases they distribute from their own offices. In other cases we send the books from here.

Senator ELKINS. Who does your printing, binding, and publishing?

Mr. BARCUS. The Werner Company, of Akron, Ohio.

Senator ELKINS. Who compose that company? Have you any relation to it in any way? Are you a stockholder in it?

Mr. BARCUS. No, sir.

Senator ELKINS. You have nothing to do with it?

Mr. BARCUS. No, sir.

Senator ELKINS. The Werner Company does the printing and binding?

Mr. BARCUS. They do the printing and binding.

Senator ELKINS. At Akron, Ohio.

Mr. BARCUS. Yes, sir. I can not give you the personnel of the company, but it is an organized company.

Senator ELKINS. Who is president?

Mr. BARCUS. I think Paul E. Werner is president.

Senator ELKINS. You, as the Committee on Distribution, have a contract with them?

Mr. BARCUS. Yes, sir.

Senator ELKINS. For how long?

Mr. BARCUS. It is not for a definite time, but for so many editions.

Senator ELKINS. How many editions?

Mr. BARCUS. We had a contract for the printing of an edition of 5,000 sets, which has been printed. He has printed two editions, I think. Mr. Bodmer is here and can give you the exact facts about that.

Senator ELKINS. The contract was to print an edition of 5,000 sets. Is that it?

Mr. BARCUS. Our original contract, as I recall, was to print two editions of 5,000 each. I think those have both been printed, and we have since made an additional contract for 5,000 sets.

Senator ELKINS. Additional?

Mr. BARCUS. And they are about to enter upon the printing of them.

Senator ELKINS. I understand that you have printed and distributed and sold 10,000.

Mr. BARCUS. We have distributed more than that. The first sets were printed by a New York concern.

Senator ELKINS. Who was that?

Mr. BARCUS. The Trow Directory Printing and Bookbinding Company. They printed two editions of 5,000 each. J. J. Little printed

one edition of 2,000. I will ask you, if you have no objection, to permit ~~Mr. Rodmer~~ to prompt me on the exact figures?

Senator ~~ELKINS~~. Then the Werner Company have printed two editions of 5,000 each?

Mr. BARCUS. Yes, sir.

Senator ELKINS. That makes 22,000; and you have a contract for printing 5,000?

Mr. BARCUS. Yes, sir.

Senator ELKINS. Those are all the contracts out for printing?

Mr. BARCUS. That is all.

Senator ELKINS. Then you have printed and sold, or got out into the hands of the people, that number—22,000?

Mr. BARCUS. We have a good many on hand.

Senator ELKINS. Is the business active, and is there a great demand for the books?

Mr. BARCUS. Yes. Within the past year we have been doing a good, active business. It took a good while to get it to a paying basis.

Senator ELKINS. You charge \$34 a set?

Mr. BARCUS. We charge \$24 a set for the books in cloth, but we have a superior binding, the one which we exhibited here, for which we charge \$34.

Senator ELKINS. You pay Mr. Richardson the same royalty on the superior set that you do on the cloth set?

Mr. BARCUS. Yes, sir.

Senator ELKINS. I understand Mr. Richardson gets 75 cents for one set.

Mr. BARCUS. That is right.

Permit me to make a suggestion. If you will allow me, I should like to put in the record the method in its logical order, showing the contracts, etc. It may answer some questions which may be asked.

Senator ELKINS. I wish you would put them in.

Mr. BARCUS. I offer first the agent's contract—the form of contract we make with the agent—which is uniform.

Senator ELKINS. The Committee on Distribution?

Mr. BARCUS. Yes, sir.

Senator ELKINS. The contracts between your agents and the Committee on Distribution?

Mr. BARCUS. Yes, sir.

The CHAIRMAN. What is the date of that one?

Senator ELKINS (examining). November 29, 1899.

Mr. BARCUS. I show here the kind of references.

Senator ELKINS. Is this the kind of contract you make with the agent?

Mr. BARCUS. Yes, sir.

Senator ELKINS. Have you the contract the agents make with the purchaser?

Mr. BARCUS. Yes, sir; I will introduce that in a few moments.

The papers referred to are as follows:

Memorandum of agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 189 , by and between The Committee on Distribution, of Washington, D. C., party of the first part, and \_\_\_\_\_, of \_\_\_\_\_, party of the second part, in witnesseth:

*First.*—In consideration of the promises of said party of the first part hereinafter specified, said party of the second part agrees to represent party of first part according to instruction and not otherwise, and to devote his entire time and attention, during the continuance of this

contract, to the sale of "~~Messages and Papers of the Presidents,~~" ~~under the direction and~~ according to the instruction of said party of the first part; said books to be sold at the following uniform prices:

\$34.00 per set in half leather binding.

\$24.00 per set in cloth binding.

*Second.*—Party of the second part agrees, as a condition precedent to receiving payment of commissions, to mail reports each day to the treasurer and to the assistant secretary of the committee at Washington, stating the number of orders taken or the fact that none were obtained that day.

*Third.*—In consideration of the faithful performance of the above promises by party of the second part, party of the first part agrees to pay party of the second part, for good orders, the following commissions:

Half leather binding:

\$7.00 per order for full cash orders.

\$6.75 per order payable in two monthly installments.

\$6.50 per order payable in three monthly installments.

\$6.25 per order payable in four monthly installments.

\$6.00 per order payable in \$5.00 monthly installments.

\$5.50 per order payable in \$4.00 monthly installments.

\$5.00 per order payable in \$3.00 monthly installments.

Cloth binding:

\$5.00 per order for full cash orders.

\$4.75 per order payable in two monthly installments.

\$4.50 per order payable in three monthly installments.

\$4.25 per order payable in four monthly installments.

\$4.00 per order payable in \$5.00 monthly installments.

\$3.50 per order payable in \$4.00 monthly installments.

\$3.00 per order payable in \$3.00 monthly installments.

A good order is to be known as one on which sufficient has been collected to cover the commission, and on which terms are not in conflict with this contract.

One-half the commission on immediate delivery orders for the previous week to be remitted to party of the second part on Monday of each week, less the amount collected and retained on orders secured during said week. Commission to be credited to the account of said party of the second part as received from subscriber; the whole amount of balance due and payable when sufficient shall have been collected on the order to cover said commission.

*Fourth.*—Party of the first part hereby appoints party of the second part special agent to collect the amount of the first payment, or more, on any order taken by said party of the second part at the time of taking the order, but said party of the second part is not authorized to collect on account of said party of the first part any money on any order after the order has been reported to said party of the first part, and is not authorized to retain an amount of money collected on any order to exceed the amount of commission on said order; nor to collect any money, or in any way represent party of the first part, as a member of The Committee on Distribution or otherwise, after termination of this contract, under penalty of law.

*Fifth.*—Said party of the first part agrees to reimburse said party of the second part for railroad fare, if paid in carrying out instructions of party of the first part, after party of the second part shall have taken twenty-five orders and same are proved.

*Sixth.*—Said party of the first part agrees to render an itemized statement of the account of said party of the second part at the end of each

month, and to pay all proved commissions to the credit of said party of the second part at any time when requested to do so by said party of the second part.

It is agreed that this contract shall be in full force and effect from the date on which it is countersigned at Washington, D. C., by the treasurer of this committee, and shall continue thereafter as long as mutually agreeable, and that it may be terminated at any time by either party by written notice addressed to the last known address of the party notified.

COMMITTEE ON DISTRIBUTION, [SEAL.]  
W. F. HALLAM, *Assistant Secretary*.

ARTHUR E. TAYLOR. [SEAL.]

Countersigned,

COMMITTEE ON DISTRIBUTION, [SEAL.]  
RUDOLPH J. BODMER, *Treasurer*.

WASHINGTON, D. C., November 29, 1899.

JOHN LUCY,  
*Secretary and Treasurer North Star Boot and Shoe Company.*

C. F. OSBORNE,  
*N. W. Agent Erie Railroad Company, Guaranty Loan Building,  
Minneapolis, Minn.*

NOVEMBER 14, 1899.

Mr. C. F. OSBORNE,  
*Northwestern Agent Erie Railroad Company,  
Guaranty Loan Building, Minneapolis, Minn.*

DEAR SIR: Will you kindly advise me whether you consider Mr. Arthur E. Taylor as perfectly reliable and trustworthy in every respect?

Please, also, give me your opinion concerning his qualifications as a salesman, and oblige,

Yours, very truly,

\_\_\_\_\_, *Treasurer.*

ERIE RAILROAD COMPANY,  
OFFICE OF THE AGENT,  
*Minneapolis, Minn., November 28, 1899.*

Mr. R. J. BODMER,  
*Treasurer Committee on Distribution, Washington, D. C.*

DEAR SIR: Answering your letter recent date, an answer having been delayed on account my absence from the city, beg to advise Mr. Arthur Taylor is perfectly reliable in every way, and I consider him a bright young man. His success during the past two or three weeks handling your work proves he is a good salesman.

Yours, truly,

C. F. OSBORN.

NOVEMBER 14, 1899.

Mr. JOHN LUCY,  
*Secretary and Treasurer North Star  
Boot and Shoe Company, Minneapolis, Minn.*

DEAR SIR: Will you kindly advise me whether you consider Mr. Arthur E. Taylor as perfectly reliable and trustworthy in every respect.

Please also give me your opinion concerning his qualifications as a salesman, and oblige,

Yours, very truly,

\_\_\_\_\_, *Treasurer.*

NORTH STAR SHOE COMPANY,  
Minneapolis, Minn., November 16, 1899.

RUDOLPH J. BODMER,  
*Committee on Distribution, Washington, D. C.*

DEAR SIR: Replying to your favor of November 14 in relation to Arthur E. Taylor. I have known Mr. Taylor for a little over a year. He had a position in Chicago and left it to go into the Army. After his return from Cuba he left Chicago and came to Minneapolis. He showed me a letter of recommendation that his former employers gave him, which was a very good one.

I have every reason to believe that he is honest, temperate, and energetic, and that he would make a good salesman.

Very truly, yours,

JOHN A. LUCY.

Mr. BARCUS. This shows the care we exercise, which is a formal matter with us, in selecting representatives, getting references from reliable people as to their integrity.

The CHAIRMAN. Are these papers the form of papers universally adopted?

Mr. BARCUS. Yes, sir. We are using them right along in the business.

I now submit some letters of introduction.

The CHAIRMAN. From whom to whom?

Mr. BARCUS. From the Committee on Distribution to the prospective customers.

Senator ELKINS. I want the contract made with the purchaser as well, because there is some controversy about that.

Mr. BARCUS. We have endeavored to get together the data which will give you the entire methods fully and frankly.

The letters referred to are as follows:

## COMMITTEE ON DISTRIBUTION,

### MESSAGES AND PAPERS OF THE PRESIDENTS.

JAMES D. RICHARDSON,  
Tennessee, *Editor.*

AINSWORTH R. SPOFFORD,  
General Secretary.

WASHINGTON, D. C.

DEAR SIR: I am directed to inform you that your name has been selected by this committee, and Mr. ———, a member, has been assigned to call upon you and state the details of filing application by which you may secure a set of the most practical of all Government documents.

Congress authorized the distribution of only a limited number in each Congressional district. The subscription edition now offered is published under authority of the editor of the work, Congress having voted him a duplicate set of plates by act of June 4 for that purpose.

Knowing that you will appreciate this opportunity, I beg to remain, dear sir,

Yours, faithfully,

—————, Clerk.

Introductory letter No. 3.

S. Rep. 1473—4

COMMITTEE ON DISTRIBUTION,  
MESSAGES AND PAPERS OF THE PRESIDENTS.

JAMES D. RICHARDSON, TENNESSEE, EDITOR,

WASHINGTON, D. C.

MARCH 22, 1900.

Mr. A. Y. RIVERROLL,  
Waco, Tex.

DEAR SIR: I am directed to inform you that your name has been selected by this committee, and Mr. R. O. Travis, a member, has been assigned to call upon you and state the details of filing application by which you may secure a set of the most practical of all Government documents.

Congress authorized the distribution of only a limited number in each Congressional district. The subscription edition now offered is published under authority of the editor, Congress having voted him a duplicate set of plates for that purpose by act of June 4, 1897.

Knowing that you will appreciate this opportunity, I beg to remain, dear sir,

Yours, faithfully,

G. N. PORTER, *Clerk.*

[Introduction.]

COMMITTEE ON DISTRIBUTION,  
MESSAGES AND PAPERS OF THE PRESIDENTS,

JAMES D. RICHARDSON, TENNESSEE, EDITOR,

WASHINGTON, D. C.

Mr. \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_, 1900.

DEAR SIR: The committee has not received proper report from the member who was instructed to call upon the gentlemen named below.

Please ascertain at once their desire regarding application for the M. & P., and report on the back of this sheet.

Called on by

\_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_, \_\_\_\_\_.

This matter is urgent, as the work of distribution in \_\_\_\_\_ must be completed at the earliest moment possible, and the surplus, if any, allotted to other districts where the distribution is about to begin.

Yours, very truly,

\_\_\_\_\_, *Clerk.*

This report must be returned to Washington at once.  
Form used in recanvass.

COMMITTEE ON DISTRIBUTION,

MESSAGES AND PAPERS OF THE PRESIDENTS.

JAMES D. RICHARDSON,  
Tennessee, *Editor.*

AINSWORTH R. SPOFFORD,  
*General Secretary.*

WASHINGTON, D. C.

DEAR SIR: You will please call upon the following-named persons, who have been selected by the committee, and present to them the details of our proposition. Their addresses will be found in ———

You are hereby instructed to make only one call. If any individual named does not take advantage of this opportunity at once, you are at liberty to substitute the name of another person of equally good standing.

Yours, very truly,

AINSWORTH R. SPOFFORD,  
*General Secretary, Committee on Distribution.*

Mr. BARCUS. These [exhibiting] are the forms of application blanks used in the sale of the book.

Senator ELKINS. The application blanks?

Mr. BARCUS. These are the old ones; the first ones.

The CHAIRMAN. The old ones—what do you mean by that?

Mr. BARCUS. The first ones; the ones used in the beginning. There is some little difference, but no material difference.

Senator ELKINS. I see Mr. Spofford's name on this as general secretary of the Committee on Distribution.

Mr. BARCUS. Yes, sir.

Senator ELKINS. Is there any difference between the old ones and new ones?

Mr. BARCUS. I think there is no difference of any consequence.

The application blanks are as follows:

[Illustrations in cloth style all half tone. Original photogravures in de luxe style only.]

### APPLICATION BLANK.

AINSWORTH R. SPOFFORD,  
*General Secretary,*  
*Committee on Distribution,* \_\_\_\_\_, 1899.  
 WASHINGTON, D. C.

DEAR SIR: Please have delivered to me one set of "Messages and Papers of the Presidents," in ten volumes, bound in seal brown silk cloth, printed from Government plates and authorized by Congress, for which I agree to pay \$24.00 to R. J. Bodmer, treasurer of the Committee on Distribution. I also agree to pay cost of transportation. Send books by.....

Reference .....

Address .....

Received payment..... Name .....

Deliver books about.....1899 Business address .....

Accepted for the committee Residence .....

..... Occupation .....

Sub-committee No.....

Received of Mr.....

Check payable to R. J. Bodmer, treasurer, for twenty-four dollars on account of..... payment for one set of "Messages and Papers of the Presidents," bound in half morocco de luxe.

Accepted for the treasurer,

....., Sub-committee No.....

.....189.....

APPLICATION BLANK.

AINSWORTH R. SPOFFORD,  
General Secretary,  
Committee on Distribution,  
WASHINGTON, D. C.

\_\_\_\_\_, 189-.

Photogravures in de luxe style only.

D—. DEAR SIR: Please have delivered to me one set of "Messages and Papers of the Presidents," in ten volumes, bound in half morocco de luxe (limited), printed from Government plates and authorized by Congress, for which I agree to pay \$34. I inclose \$..... as first payment and will pay the balance in ..... monthly payments of like amount to R. J. Bodmer, treasurer of the Committee on Distribution.

Send books by .....

Paid on account \$.....	Name .....
Deliver books about .... 1899	Business address .....
Accepted for the committee,	Residence .....
.....	Occupation .....
Sub-committee No. ....	

In case the limited half morocco edition is entirely subscribed for before this application is received the committee may fill the application with cloth bound set by refunding the difference in price, or may refund the entire amount, at option of subscriber.

Received of Mr. ....

Check payable to R. J. Bodmer, treasurer, for thirty-four dollars on account of payment for one set of "Messages and Papers of the Presidents," bound in half morocco de luxe.

Accepted for the treasurer,

.....,  
Sub-committee No. ....

.....1899.

Reference .....

Address .....

Mr. BARCUS. This [exhibiting] is the contract that we make with the subscriber.

Senator ELKINS. Between your agent and the subscriber?

Mr. BARCUS. Yes, sir.

The contracts referred to are as follows:

### APPLICATION BLANK.

AINSWORTH R. SPOFFORD,  
GENERAL SECRETARY  
COMMITTEE ON DISTRIBUTION,  
*Washington, D. C.*

.....1898.

DEAR SIR: Please order from the Treasurer of the Committee on Distribution and have delivered to me one set of "Messages and Papers of the Presidents," in ten volumes, in half morocco de luxe binding, printed from Government plates, and authorized by Congress, for which I agree to pay \$34.00, being at the rate of \$3.40 per volume, same to be remitted to the \*Treasurer of the Committee when the volumes are shipped to me.

Paid on account \$ .....	Name .....
Deliver books about ..... 1898.	Business address .....
Accepted for the Committee .....	Residence .....
Subcommittee No. ....	Occupation .....

\* For convenience of shipping and exchange the office of the Treasurer of the Committee on Distribution is located at 109-111 Fifth avenue, New York City, where all accounts are payable. Checks should be made payable to R. J. Bodmer, Treasurer.

### APPLICATION BLANK.

AINSWORTH R. SPOFFORD,  
GENERAL SECRETARY  
COMMITTEE ON DISTRIBUTION,  
*Washington, D. C.*

.....1898.

DEAR SIR: Please order from the Treasurer of the Committee on Distribution and have delivered to me one set of "Messages and Papers of the Presidents," in ten volumes, in seal brown silk cloth binding, printed from Government plates, and authorized by Congress, for which I agree to pay \$24.00, being at the rate of \$2.40 per volume; same to be remitted to the \*Treasurer of the Committee when the volumes are shipped to me.

Paid on account \$ .....	Name .....
Deliver books about ..... 1898.	Business address .....
Accepted for the Committee .....	Residence .....
Subcommittee No. ....	Occupation .....

\* For convenience of shipping and exchange the office of the Treasurer of the Committee on Distribution is located at 109-111 Fifth avenue, New York City, where all accounts are payable. Checks should be made payable to R. J. Bodmer, Treasurer.

Mr. BARCUS. It is plainly written out, and the sum is printed in it. There is a difference in this extent. We use in the contract at present the name of Mr. Bodmer, as treasurer, instead of Mr. Spofford.

The CHAIRMAN. That change has been made recently?

Mr. BARCUS. I should think three or four months ago.

The CHAIRMAN. Why was the change made?

Mr. BARCUS. Largely as a matter of convenience. A great many of the people made their checks payable to Mr. Spofford, and we had to annoy him a good deal to sign checks.

We stated in the contract that the payments should be made to Mr. Bodmer, treasurer, but a good many, seeing at the top Mr. Spofford's name, made it payable to him, nevertheless, and to overcome that was the reason for making the change.

The CHAIRMAN. Was there any objection on the part of Mr. Spofford that caused you to do it?

Mr. BARCUS. No objection so far as I know, except the inconvenience of signing the checks. It took too much of his time.

The CHAIRMAN. You speak of its taking too much of his time. Was he not paid for his time?

Mr. BARCUS. We did not mean to have him do mere clerical routine work. We employed him to give us the benefit of his skill and learning.

The CHAIRMAN. But if he accepted the position, which he did, as appears from the heading on these papers, he certainly would accept all the responsibilities.

Mr. BARCUS. He made no demand for relief from that additional work, but out of deference to his wish in the matter we relieved him of it, because we thought it was just as well.

Here [exhibiting] is the contract in Mr. Bodmer's name. You see that?

Senator ELKINS. Yes.

Mr. BARCUS. These are the applications now in use.

The applications referred to are as follows:

[Application blank now in use.]

# APPLICATION BLANK.

COMMITTEE ON DISTRIBUTION,  
R. J. BODMER, *Treasurer*,  
WASHINGTON, D. C.

190—

DEAR SIR: Please have delivered to me one set of "Messages and Papers of the Presidents," in ten volumes, bound in half morocco de luxe (limited), printed from Government plates and authorized by Congress, for which I agree to pay \$34 to R. J. Bodmer, treasurer of the Committee on Distribution. I also agree to pay cost of transportation.  
Send books by.....

Received payment, \$.....	Name.....
Deliver books about....1900	Business address.....
Accepted for the committee,	Residence.....
Sub-committee No.....	Occupation.....

Received of Mr.....

Check payable to R. J. Bodmer, treasurer, for thirty-four dollars on account of full payment for one set of "Messages and Papers of the Presidents," bound in half morocco de luxe.

Accepted for the treasurer,

Sub-committee No.....

19.....

APPLICATION BLANK.

AINSWORTH R. SPOFFORD,  
General Secretary,  
Committee on Distribution,  
WASHINGTON, D. C.

1899

DEAR SIR: Please have delivered to me one set of "Messages and Papers of the Presidents," in ten volumes, bound in seal brown silk cloth, printed from Government plates and authorized by Congress,\* for which I agree to pay \$24 to R. J. Bodmer, treasurer of the Committee on Distribution. I also agree to pay cost of transportation. Send books by.....

Reference Address	Received payment.....	Name .....
	Deliver books about.....1899	Business address.....
	Accepted for the committee	Residence .....
	.....	Occupation.....
	Sub-committee No.....	

Received of Mr .....

Check payable to R. J. Bodmer, treasurer, for twenty-four dollars on account of..... payment for one set of "Messages and Papers of the Presidents," bound in half morocco de luxe.

Accepted for the treasurer,

Sub-committee No.....

.....189.....

Mr. BARCUS. Here [exhibiting] are some letters relative to the mail-order business. We have but two means of selling—through the mail and through agents.

Senator ELKINS. Let them be printed in the record. They bear on the subject.

The letters referred to are as follows:

COMMITTEE ON DISTRIBUTION.

MESSAGES AND PAPERS OF THE PRESIDENTS.

JAMES D. RICHARDSON, Tennessee,  
Editor.  
AINSWORTH R. SPOFFORD,  
General Secretary.

WASHINGTON, D. C.

FIRST LETTER—MAIL BUSINESS.

Agreeably to your request concerning "Messages and Papers of the Presidents," I have caused to be sent to you, under separate cover, specimen pages and descriptive matter of the work and its uses, and I can assure you that it is prepared with conservatism and the accuracy of each statement verified by the editor and myself.

The work is even more than is claimed for it in the advertising or printed matter, and is considered by the best critics of the United States as one of the greatest (if not the greatest) historical work yet published. It is especially interesting at this time, when such a work

is so much needed by all citizens who desire authentic information upon the progress and achievements of the nation.

Were the writer to attempt to advise you concerning any one work he could not suggest any other that would be more appropriate as a complement to or the foundation for the American citizen's library or one that would lend more strength and dignity.

The price is merely nominal, in view of the great extent of the work, being but \$34 for the complete set in 10 volumes, bound in half morocco, de luxe style, limited (seal-brown silk cloth, \$24).

I would not have you underestimate the value of the work from these low quotations; it is explained by the fact that you are getting the benefit of the Government's expenditure on it.

The committee reserves the right to increase the price, without notice, on unsubscribed copies, should it transpire that the above prices do not meet the detail expenses.

In order to avail yourself of this opportunity you have but to fill out one of the inclosed blanks, and your application will receive attention in its regular order.

Yours, very truly,

AINSWORTH R. SPOFFORD,  
*General Secretary, Committee on Distribution.*

## COMMITTEE ON DISTRIBUTION.

### MESSAGES AND PAPERS OF THE PRESIDENTS.

JAMES D. RICHARDSON, Tennessee,

*Editor.*

AINSWORTH R. SPOFFORD,  
*General Secretary.*

WASHINGTON, D. C.

### SECOND LETTER—MAIL BUSINESS.

Since writing you we have been urged by a large number of people to permit them to take and remit for "Messages and Papers of the Presidents" in two or more payments.

The committee, appreciating the importance of this demand, have resolved to supply the work in this way upon applications made at once. It is in the nature of an experiment, and can not be continued if its operation involves too much detail labor on the part of the committee.

You are therefore at liberty, should you make immediate request, to arrange to make two or more payments, provided the payments do not run lower than \$3 per month, although nothing will be added to the cash price of \$34 per set of 10 volumes for the half morocco de luxe binding (\$24 for the seal-brown silk cloth binding).

This work certainly can not shrink in value, and it is undoubtedly destined to grow more and more desirable, for it is the one work which can not be reduced in value by lapse of years.

Thinking you might welcome the opportunity to get the books on practically your own terms, I have taken the liberty of laying the offer before you.

Believing you will appreciate the courtesy extended, I remain,

With high regard,

AINSWORTH R. SPOFFORD,  
*General Secretary, Committee on Distribution.*

## COMMITTEE ON DISTRIBUTION.

## MESSAGES AND PAPERS OF THE PRESIDENTS.

JAMES D. RICHARDSON, Tennessee,  
*Editor.*  
 AINSWORTH R. SPOFFORD,  
*General Secretary.*

WASHINGTON, D. C.,  
 January 15, 1899.

DEAR SIR: Before winding up the distribution of "Messages and Papers of the Presidents," the committee desires to feel that its labors have been well done. The rapidity with which the distribution has progressed is not only an indication of the great value of the work, but also that very soon the apportionment for each district will be spoken for.

I notice that while you were interested in the work you have not yet filed your application, and venture to suggest, therefore, that if you hope to secure a copy of this great library of American history and American patriotism you should file your application immediately.

Your evident desire to possess this magnificent work prompts me to write this final letter to you.

Awaiting an indication of your pleasure, I beg to remain,  
 Yours, very truly,

COMMITTEE ON DISTRIBUTION,  
 AINSWORTH R. SPOFFORD,  
*General Secretary.*

Third letter—mail business.

## COMMITTEE ON DISTRIBUTION.

## MESSAGES AND PAPERS OF THE PRESIDENTS.

JAMES D. RICHARDSON, Tennessee,  
*Editor.*  
 AINSWORTH R. SPOFFORD,  
*General Secretary.*

WASHINGTON, D. C.,  
 September 22, 1899.

DEAR SIR: I take the liberty of calling your attention to a feature of "Messages and Papers of the Presidents" which could not be explained adequately before now, viz, the index (Vol. X), which has grown to such proportions, as the work progressed, that it stands to-day as a dictionary of the political, historical, and material story of our remarkable country, with every fact verified by the Government records. It is the key to the archives of the Government. The completion of this volume has been delayed to include the ratification of the peace treaty with Spain and all of President McKinley's messages, which form, as you know, the most complete and authentic story of the war with Spain, and which are so indispensable in the connected story of our Government as contained in the official utterances of our Chief Executives.

Another feature in which I am sure you will be interested is this: The remaining sets which the committee has to distribute include the full-page copies of the official portraits of the Presidents hanging in the White House. These have never before been and will never again

be published in any book. I inclose a circular with miniature reproductions of these historic paintings, so that you may get some idea of the beauty and value of these priceless works of art.

Notwithstanding this added feature, the price to you remains the same, inasmuch as by your former inquiries you have indicated a desire to possess the work as soon as you are able, and we have arranged to supply the remaining sets on easy payments, so that the final withdrawal of this remarkable offer at such a low price can not be accompanied by any thought on your part that the opportunity was not presented to you in a satisfactory manner.

If you will send a remittance of \$3 with signed application, including references, and pay at least \$3 per month, the books will be sent to you at once, and you can get the benefit of having this great work at your elbow, provided you attend to it within ten days from the date stamped on the inclosed application.

Fourth letter mail business.

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## COMMITTEE ON DISTRIBUTION.

### MESSAGES AND PAPERS OF THE PRESIDENTS.

JAMES D. RICHARDSON, Tennessee,  
*Editor.*  
 AINSWORTH R. SPOFFORD,  
*General Secretary.*

WASHINGTON, D. C.

### PREVENTION OF MISUNDERSTANDING.

We acknowledge receipt of your application for a set of "Messages and Papers of the Presidents," and are pleased to inform you that, as the conditions of payment, etc., come within the rules of the committee, same has been accepted this day and filed for shipment.

In order that there may be no misunderstanding in future, we repeat herein the terms and conditions of the application:

Style of binding \_\_\_\_\_.

To be delivered \_\_\_\_\_.

Total amount \_\_\_\_\_.

How paid \_\_\_\_\_.

The first shipment will contain \_\_\_\_\_ volumes, and the balance will be delivered to you as issued.

For convenience of shipping and exchange, the office of the treasurer of the committee is located at No. 109-111 Fifth avenue, New York, and all remittances are to be sent to that address.

We trust you will derive much pleasure and profit from the use of this valuable set of books.

Yours, very truly,

COMMITTEE ON DISTRIBUTION,  
 W. F. HALLAM,  
*Assistant Secretary.*

Mr. BARCUS, This [exhibiting] is the appointment letter. Senator ELKINS. I wish to see that.  
 Mr. BARCUS. You have seen a copy of it in the Sun.  
 Senator ELKINS. Let it be printed in the record.  
 The letter is as follows:

### COMMITTEE ON DISTRIBUTION.

#### MESSAGES AND PAPERS OF THE PRESIDENTS.

JAMES D. RICHARDSON, Tennessee,  
*Editor.*  
 AINSWORTH R. SPOFFORD,  
*General Secretary.*

WASHINGTON, D. C.

DEAR SIR: I take pleasure in informing you that your appointment as a member of the Committee on Distribution in the matter of the "Messages and Papers of the Presidents" has been confirmed.

You will please follow the rules as laid down in the accompanying instructions, and your contract, which defines your authority, compensation, and connection with the business. You are to present the opportunity for securing the work to the persons named by the committee in its instructions to you. The following points I would especially impress upon you.

First. "Messages and Papers of the Presidents" can not now be obtained by persons applying to the Congressmen, except in remote instances, as the allotment to officials for distribution was exhausted some time ago, and thousands of demands were made for the work before the present arrangement to furnish it at this low rate.

Second. The edition we are furnishing is printed from Government plates, and contains identically the same matter, line for line, page for page. The binding is much more handsome, durable, and suitable for library purposes.

Third. This appointment is made in connection with your contract with the committee, and your membership will terminate with the termination of said contract. It is distinctly understood and agreed that the only pecuniary interest to be claimed by you by virtue of this appointment is that set forth in your contract with the committee of this date.

Yours, very truly,

[Letter of appointment and instructions to agents. The only one authorized by us.]

Senator ELKINS. You say the printing and publishing is done at Akron, Ohio?

Mr. BARCUS. Yes, sir.

Senator ELKINS. You have nothing here but the manager's office? You have no materials or plates or presses here in Washington?

Mr. BARCUS. No, sir.

Senator ELKINS. You have sold 20,000 sets?

Mr. BARCUS. We have taken orders for in the neighborhood of 22,000.

Senator ELKINS. Five thousand you have ordered?

Mr. BARCUS. Yes, sir.

Senator ELKINS. How do you settle with Mr. Richardson?

Mr. BARCUS. We settle with Mr. Richardson when the books are paid for.

Senator ELKINS. Not until then?

Mr. BARCUS. No, sir. Of course a great many are not paid for—a certain percentage.

Senator ELKINS. You have invested in this business how much money yourself—the Committee on Distribution?

Mr. BARCUS. The disbursements from the beginning have been between \$500,000 and \$600,000.

Senator ELKINS. What are those disbursements?

The CHAIRMAN. That is not definite. He said "disbursements." It might include money which was disbursed and immediately got back.

Mr. BARCUS. That is true.

Senator ELKINS. I am going to ask you all about the disbursements, because I have had information that you had invested \$700,000 in the plant and in one thing and another. Go ahead and explain about the character of these disbursements. You have not that much invested in the business?

Mr. BARCUS. Oh, no, sir. That represents what money has been paid out for advertisements, for manufacturing, for commissions, for stationery—for the hundred and one things that make up the publishing business.

Senator ELKINS. How much have you invested outside of what you have received from the business?

Mr. BARCUS. I invested to start in with in the neighborhood of \$25,000 in advertising—in magazine and newspaper advertising.

Senator ELKINS. At first?

Mr. BARCUS. Yes, sir. Then, of course, there began to come in some money. We began to make some sales. I could not tell the exact amount of the investment outside of the money that came in. I do not know. It would be pretty difficult to get it; but I do know that at the end of the first year we had sold in the neighborhood of \$50,000 worth of books, and it had cost us to make and advertise and sell those books \$75,000. Then the turn came, as we say in business.

The CHAIRMAN. From which I infer that you have never had more than \$25,000 cash capital invested in the business.

Mr. BARCUS. Outside of what came in from the business itself I believe that is correct, perhaps.

Senator ELKINS. You state, then, that your entire investment in the business was \$25,000 and the rest of the \$500,000 or \$600,000 of disbursements came from the business itself?

Mr. BARCUS. Yes, sir; and it was disbursed in the course of the business.

Senator ELKINS. But the proceeds came from the business?

Mr. BARCUS. Yes, sir.

Senator ELKINS. From what you know of the business and your experience, what does the future promise? You have sold and put out 22,000 and have ordered 5,000—27,000?

Mr. BARCUS. The 5,000 are not put out.

Senator ELKINS. I know; but they are ordered to be printed. At the rate at which you have done business in the last two years, I believe it is, what does the business promise for the next ten years?

Mr. BARCUS. I should say that if the public mind could be put at rest on the question of free distribution, and that is a necessary hypothesis from which to reason, the books would have a sale of between 50,000 and 100,000 sets in the next ten years.

Senator ELKINS. Do you mean each year?

Mr. BARCUS. No, sir; I mean a total sale—an aggregate sale of between 50,000 and 100,000 sets.

Senator ELKINS. That is a very wide difference in a business transaction.

Mr. BARCUS. It is impossible to estimate accurately. I am undertaking to give you the minimum and maximum.

Senator ELKINS. Fifty thousand sets at \$34?

Mr. BARCUS. If I were forced to fix a figure which would be near, I would split the difference and say 75,000.

Senator ELKINS. An average of 7,500?

Mr. BARCUS. An average of 7,500 sets a year.

Senator ELKINS. At \$30 per set as an average?

Mr. BARCUS. Well, close to that.

Senator ELKINS. If you sold 75,000 sets at \$30 per set the gross would be \$2,250,000?

Mr. BARCUS. I should think that is correct.

Senator ELKINS. That is about right?

Mr. BARCUS. Yes, sir.

Senator ELKINS. Here is a letter signed by William S. Wensley, of New York, addressed to the chairman of the committee:

WM. S. WENSLEY, *Secretary.*

No. 58 WILLIAM STREET,  
New York, April 23, 1900.

Hon. THOMAS C. PLATT,  
*United States Senate, Washington, D. C.*

DEAR SIR: In the Evening Sun of April 19, 1900, the statement was made that the Senate Committee on Printing is to investigate what the Sun calls "Messages and Papers Scandal," and that you are chairman of that committee. As a representative of the "Committee on Distribution" sold me a set of "The Messages and Papers of the Presidents," I have the pleasure to send you this statement of some facts for your committee.

On February 15, 1900, I received a letter, of which the following is a copy:

"[Committee on Distribution, Messages and Papers of the Presidents, James D. Richardson, Tennessee, editor.]

"WASHINGTON, D. C., February 14, 1900.

"Mr. WM. S. WENSLEY, *New York.*

"DEAR SIR: I am directed to inform you that your name has been selected by this committee, and Mr. G. D. Russell, a member, has been assigned to call upon you and state details of filing application by which you may secure a set of the most practical of all Government documents.

"Congress authorized the distribution of only a limited number in each Congressional district. The subscription edition now offered is published under authority of the editor, Congress having voted him a duplicate set of plates for that purpose by act of June 4, 1897.

"Knowing that you will appreciate this opportunity, I beg to remain, dear sir,

"Yours, faithfully,

"G. N. PORTER,  
"Clerk."

On the same day George D. Russell called and stated that Congress had authorized an edition of 6,000 sets of the books called *The Messages and Papers of the Presidents*, which were distributed among "Congressmen and foreign representatives," and that Congress had authorized another edition of 6,000 sets for public distribution; that only 300 were allotted to New York City; that no more than the numbers stated would be published. I had some doubt about the reliability of the statement that the second edition was limited to 6,000 sets, so I asked him if he was positive about it. He assured me there wasn't any mistake about it. In answer to a question whether Congress might not authorize another edition for gratuitous distribution, he said they wouldn't. I told him I thought of giving my set, if I bought one, to a public library which was to be started in my city (East Orange, N. J.) on a recent endowment of \$50,000 by Mr. Carnegie, in case I shouldn't want to keep it myself. My impression is I asked him if a library couldn't get a set. I remember positively that he told me a library could not get a set. He said that the books were complete up to December of last year. I was particular to ask him about the limit of 6,000 sets, because what I had in mind was that if the edition was not limited I could probably buy a set a year or two from then when the library is started more cheaply than I could in February last. When he reassured me that the second edition was actually limited to 6,000 I told him that if that was so I'd take a set. He asked for a deposit of \$5, which I cheerfully paid, and he would have given me some time in which to pay the balance, but I told him I'd pay it one week after delivery, and I so marked his receipt in his presence.

I received ten volumes, the outside wrappers numbered from 1 to 10, inclusive, both numbers inclusive. On the outside of the box and on the wrapper of "Vol. 1" was the number 19,349.

I deemed it wise to get information about the methods of their salesmen in general. At my request Mr. A. Irving Brewster, the senior clerk in this Middle States Inspection Bureau, and one of its reliable employees for nine and one-half years, of which bureau I have been the secretary since its organization eleven years ago, sent for a prospectus about these books, "*The Messages and Papers of the Presidents*." The "Committee on Distribution," instead of sending him what he asked for turned his name and home address (Richmond Hill, L. I., N. Y.) over to Herbert Niklewicz, who called at his home, and as Niklewicz didn't find him there Niklewicz, to our surprise and satisfaction, came to this office on April 4, 1900. It gave me an opportunity to have another witness to some of his statements. He showed a paragraph of about seven or eight lines (contained in a pamphlet) of what purported to be the act of 1894, and stated that that was the authority for the edition. When we asked him questions he said that of course that was the authority for the edition which was distributed among the Congressmen. He said that those who knew best expected that the plates furnished for copies for sale would be good for about 15,000 sets. I suppose ten times that number would be more nearly correct. He stated that he was not allowed to call a second time on the same man to make a sale. He also said that, contrary to the usual custom with limited editions, the books were not marked with the number of the set; that the edition was limited to one set for about 20,000 population.

Brentano, in Washington, would probably tell you that 75,000 sets in cloth alone were sold last year at \$12 per set.

Mr. Callaghan, representing Lenney & Donovan, lawyers, 35 Nassau street, New York City, showed me a memorandum about a \$24 edition.

A postmaster in New York State asked me \$200 for his set, and stated that "the allotment for New York City was 15."

Following is a heading from a letter written to me on March 8, 1900, which letter was signed "Committee on Distribution, Rudolph J. Bodmer, Treasurer."

### COMMITTEE ON DISTRIBUTION.

#### MESSAGES AND PAPERS OF THE PRESIDENTS.

JAMES D. RICHARDSON, Tennessee,  
*Editor.*

AINSWORTH R. SPOFFORD,  
*General Secretary.*

WASHINGTON, D. C.

Sincerely yours, in the interest of honest business and legislative methods,

WM. S. WENSLEY.

P. S.—I hope your committee will recommend that House joint resolution 217 be passed without delay, and that a bill be passed to repeal the franchise said to be given Richardson in the legislative, executive, and judicial appropriation bill for the coming fiscal year to publish the State papers and diplomatic correspondence of the Confederate States.

W. S. W.

What reply do you wish to make to that letter?

Mr. BARCUS. I would state, gentlemen of the committee, that the extraneous representations here with reference to a donation to the library or any other matter outside of a commercial transaction, the selling of books for value received, are wholly unauthorized and would be repudiated by us instantly.

The CHAIRMAN. Have not the agents been in the habit of making such representations in order to sell the books?

Mr. BARCUS. I would not admit that. We have not been in the habit of doing it. Some few may misrepresent us, just as a small percentage of agents misrepresent any publishing concern. In the development of a large organization such as we have, we have necessarily employed a great many people. Some have left our employment for one reason or another; it may have been our fault at times that they did not remain with us, but in many cases it is their fault, due to misrepresentations or inability, for which we have discharged them, and necessarily there is some feeling against us on the part of those who have been let out. So far as I have been able to gather, the complaints which have been received have emanated from these sources. The difference between an ordinary publishing business and ours is that they complain to Senators and Members of Congress rather than to the house itself, because of the close connection of this book with the Government, the plates having been made by the Government and the private publication having been authorized by the Government.

We have taken a firm stand against all such misrepresentations. We have, in every case where we have learned about it, disciplined the agent or discharged him in order to prevent a repetition of it, and, as Mr. Richardson testified, we wrote a letter to each Senator and Member of the House requesting them to notify us of any misrepresentations or any complaints.

Senator ELKINS. That is your answer to the charges here made?

Mr. BARCUS. Yes, sir.

Senator ELKINS. Was this particular agent discharged?

Mr. SIEVER. Who is he?

Mr. BARCUS. The name is given here as G. D. Russell. I can not answer.

Senator ELKINS. Does Mr. Bodmer know?

Mr. BODMER. I can not recall.

Senator ELKINS. You would not keep such a man?

Mr. BODMER. No, sir.

Mr. BARCUS. No, sir. He will be dismissed if the facts stated in that letter can be verified. We do not tolerate any such thing.

Senator ELKINS. It is dated February 14, 1900?

Mr. BARCUS. Yes, sir.

Senator ELKINS. Is that all the answer you desire to make to that letter?

Mr. BARCUS. I will say this in addition: It is impossible to prevent more or less misrepresentation, and it is unfair to judge a publishing company by isolated cases of misrepresentation. The 90 per cent of the people who are satisfied with the books and grateful for the opportunity to purchase them the public hears nothing about. It is the small percentage who complain. May I illustrate this point?

Senator ELKINS. Yes; go ahead.

Mr. BARCUS. A Senator of the United States told me recently that a gentleman called at his residence while he was preparing an important speech, sent up his card and word that he had been sent there by Mr. Justice Brewer. When he came in he proceeded to show him a book on orations. The Senator asked him if he had any communication from Mr. Justice Brewer to him. The caller said, "No;" that his name had been given him. The Senator said, "I know that the publishers did not authorize any such use of Mr. Justice Brewer's name." Mr. Justice Brewer was the editor of the compilation, and I know, too, that Mr. Kaiser, who is the publisher of that book—although I do not know him personally—is a successful man, and for that reason alone I know he would not authorize any such imposition. It was overzeal on the part of that particular agent.

Senator ELKINS. That is a little outside of this investigation.

Mr. BARCUS. It illustrates the point. Some people are undertaking to judge our business by the misrepresentation and fraud of exceptional men, the men who take advantage of us as well as of the public, and I simply submit that that is an unfair test.

Senator ELKINS. Here is a letter addressed to the chairman of the committee from Steelton, Pa., dated April 25, 1900.

STEELTON, PA., April 25, 1900.

Hon. THOMAS PLATT,

*Chairman Committee on Printing, Washington, D. C.*

SIR: I notice by the paper that the Senate has passed a resolution instructing the Committee on Printing to investigate certain facts connected with the compilation, publication, and distribution of a work entitled "Messages and Papers of the Presidents." I contracted for a copy of this work, 10 volumes, with a concern called "Committee on Distribution," Mr. J. R. Bodmer, treasurer, Washington, after having made some inquiry last summer of this committee as to how to secure the work, and after having impressed upon me the necessity of making application within 10 days from a certain date and payment of three

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dollars down, and further payments of at least three dollars per month, by Mr. Ainsworth R. Spofford. The contract I signed states that the work was to be "printed from Government plates and authorized by Congress," and the work has printed on one of the pages near the front (each book), "Copyrighted by James D. Richardson." The books came to me from New York, express collect. I think I made one or two payments to the treasurer, then located in New York, but later payments have been made to the said treasurer at Washington. I have paid \$20.00 on account thus far. I have a letter from Mr. Spofford in which he says, among quite a number of other things, that the work is "The key to the archives of the Government." Representations led me to believe that I was getting a work published by the Government, and I would very much like to ascertain whether they *are* Government books and whether it is right for me to be called upon to make payment of the remaining \$14.00, and whether this Committee on Distribution or its agents have any right to collect this money. Awaiting the favor of a reply, I have the honor to be,

Yours, truly,

ARTHUR A. SMITH.

Do you wish to make any explanation of or answer to that letter? The reason I introduce that letter is to show that there are some methods and practices being resorted to by the agents that are reprehensible.

Mr. BARCUS. I see this statement in the letter:

The contract I signed states that the work was to be printed from Government plates and authorized by Congress.

That seems to be the gravamen of his charge. That I assert is true. It is printed from Government plates and authorized by Congress. Our agents have represented that fact, and I think they would have been less than efficient business men if they did not tell that truth, for it is the truth.

The CHAIRMAN. This gentleman is suffering from ignorance of the particular fact that it was authorized. Everybody knows it was.

Mr. BARCUS. Precisely, Senator. He states further that a letter or circular said "the work is 'the key to the archives of the Government.'" That may have been stated. I have no personal knowledge upon the subject, but at most it is simply an effort on the part of someone to express a vigorous thought.

Senator ELKINS. That is your answer to that letter?

Mr. BARCUS. Yes, sir. I do not see anything else in the letter.

Senator ELKINS. Here are letters from Chicago, written to Senator Mason:

UNITED STATES SENATE,  
*Washington, April 23, 1900.*

Respectfully referred to chairman of Committee on Printing, two letters.

Respectfully,

WM. E. MASON,  
*United States Senate.*

*CHICAGO, April 13, 1900.*

Hon. WILLIAM E. MASON,  
*Washington, D. C.*

DEAR SIR: Many citizens of Chicago are being "honored" by letters like this one. These Washington promoters when they visit Chicago should be escorted down to the lake front to see the explosion, or taken to the west side where the tunnel caved in.

Yours, truly,

CHAS. T. MASON.

[Inclosure.]

COMMITTEE ON DISTRIBUTION,  
MESSAGES AND PAPERS OF THE PRESIDENTS.

JAMES D. RICHARDSON, TENNESSEE, EDITOR,

WASHINGTON, D. C.

APRIL 7, 1900.

Mr. CHARLES T. MASON, *Chicago, Ill.*

DEAR SIR: I am directed to inform you that your name has been selected by this committee and Mr. C. E. Thompson, a member, has been assigned to call upon you and state the details of filing application by which you may secure a set of the most practical of all Government documents.

Congress authorized the distribution of only a limited number in each Congressional district. The subscription edition now offered is published by authority of the editor, Congress having voted him a duplicate set of plates for that purpose by act of June 4, 1897.

Knowing that you will appreciate this opportunity, I beg to remain, dear sir,

Yours, faithfully,

G. N. PORTER,  
*Clerk.*

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[Clark Varnum, attorney and counselor, suite 1208 Chamber of Commerce Building, Washington and La Salle streets. Cable address, VClark, Chicago.]

CHICAGO, *April 14, 1900.*

Hon. W. E. MASON,

*United States Senator, Washington, D. C.*

HONORABLE SIR: I trust you will pardon me for addressing you upon what seems to me to be a patent swindle on the face of it. I have been repeatedly importuned in the last few days to buy a set of books entitled "The Messages and Papers of the Presidents," said to be printed in ten volumes and to be sold for \$34, spot cash.

The solicitors representing this scheme repeatedly aver that these books are printed by the United States Government, and are distributed only upon request of prominent citizens forwarded to Washington and indorsed or approved by some member of Congress. It is represented that one J. D. Richardson, a member of Congress, has been authorized by Congress to make this distribution, but it is to be noted that these published volumes are only to be delivered upon payment of the cash price at time of delivery.

Thinking that it might be barely possible that you had not learned of this apparent attempted swindle in the name of the United States Government, which to my knowledge is being attempted to be perpetrated upon several citizens of this city at this time, I beg to invite your attention to it.

Regretting the necessity of consuming your time in a matter of this character, and with personal regards, I beg to remain,

Very truly, yours,

CLARK VARNUM.

Mr. BARCUS. That has never been authorized, and it is repudiated wherever it has been heard of. To illustrate our extreme care to prevent anything of that sort, I wish to relate here that in the early part of the work in connection with this enterprise an agent wrote a letter to each member of Congress asking them to submit names to assist in the sale. It virtually amounted to that. Each of you gentlemen received that letter, I presume. We discharged that representative without any discussion, and wrote each Member and Senator that we repudiated his conduct, and we have never attempted to draw the Senators and Representatives into the sale of this book any more than to ask them for testimonials on the book itself. Those were given.

Senator ELKINS. That is the answer you make to the letters addressed to Senator Mason?

Mr. BARCUS. I want to add this: Every publishing firm selling subscription books has one or more experts in charge of the department for adjusting disputed claims—called, vulgarly, kicks. From 10 to 25 per cent of the people who buy subscription books complain for some cause or another. I have it from our managers that not over 10 per cent of our subscribers have complained, that we can learn of. In other words, the complaints have been a minimum, due to the extreme care we have employed in selecting agents. At the same time, we have our share of complaints, and some of them get to the public, where with the ordinary publishing house the complaining subscriber may tell his tale of woe to a newspaper man, but he does not publish it, because it is not close enough to the public interest. Ours tell, and the newspaper men seem to think it is good newspaper material.

Senator ELKINS. Here is a letter signed by Otto S. von Arnim, 45 Wall street, New York, dated April 20, 1900. He is making complaint that he has been imposed upon. You do not know anything about it?

Mr. BARCUS. I know nothing about the special case.

Senator ELKINS. He says:

45 WALL STREET, *New York, April 25, 1900.*

The Honorable CHAIRMAN COMMITTEE ON PRINTING,  
*United States Senate, Washington, D. C.*

SIR: According to the New York papers, Senator Chandler's resolution regarding the methods of the Committee on Distribution has been referred to you.

If you desire it, I can give you some quite interesting information as to some of their operations, having just been made the defendant in a lawsuit arising out of their—to say the least—questionable proceedings. As I got a verdict in my favor, it could be inferred that their methods were not looked upon with favor by the court.

Yours, very truly,

OTTO F. VON ARNIM.

O. F. V. A., by C.

APRIL 27, 1900.

Mr. OTTO F. VON ARNIM,  
*45 Wall Street, New York.*

MY DEAR SIR: Replying to your letter of April 25, I beg to state that I should be glad to receive from you a brief statement of the facts to which you refer, illustrating the methods of the Committee on Distribution of the Messages and Papers of the Presidents. As the com-

mittee expect to consider this question on Monday, your statement, to be available, must needs be received by that time.

Yours, truly,

T. C. PLATT.

45 WALL STREET,  
New York, April 28, 1900.

Hon. THOMAS C. PLATT,  
*United States Senate, Washington, D. C.*

DEAR SIR: I beg to acknowledge your letter of April 27. In reply I would say that I will make the statement of the facts referred to as brief as possible.

On Tuesday, November 28, 1899, I received a letter from the Committee on Distribution advising me that a Mr. John Deloy would call on me at the suggestion of the Congressman from my district in regard to these "Messages and Papers." He came to see me on November 29, soliciting my subscription, representing them to be, not what the title would infer, but the best history of the United States that had ever been gotten up, and that this was a splendid opportunity to get something for practically nothing which had cost the Government over \$1,000,000 to compile. As he had no sample volume to show me I declined to subscribe. He then made the following proposition to me: If I would sign the subscription paper *in blank*, he would give me until Saturday night, December 2, to examine the set of these books in the Astor Library in New York City, and that then I could make my decision whether I would make my subscription good or not. He represented that I must sign the subscription paper that day as it was the *last day* on which subscriptions could be made, and that he was leaving for Washington that night. I was to inform the Committee on Distribution of my decision by mail. I accepted his proposition, after having a witness to it.

I examined the books, found that they were nothing that I wanted, and on December 2, 1899, I wrote to the committee to this effect, and asking them to cancel my conditional subscription. I heard nothing further from the matter, but in about ten days the Adams Express tried to deliver at my house in Larchmont a box containing, I presume, these books, and wanted to collect \$34, as the package had been sent C. O. D. I declined to accept it, and wrote the committee stating the full facts and referring to my letter of December 2. They wrote me in return that they knew nothing about my letter of December 2, that they had my subscription paper *duly filled out* and that they would hold me to it. Their attorneys came to see me, told me they would sue me if I didn't pay, and they did so. On March 8, 1900, the trial came off in the Fifty-fourth street district court, in New York City. My copy of my letter of December 2 to the committee was admitted in evidence, and in about a week the judge gave his decision in my favor. The attorneys for the committee admitted that it was the only one in over two hundred similar cases which they had lost.

At the time the committee was soliciting subscriptions at \$34 the books could have been bought at one or two of the cut-rate bookstores in this city for \$19.75, as I discovered about two weeks after Mr. Deloy came to see me.

The only reason that I know of that the committee should not have received my letter of December 2 was that I put Mr. Deloy's name down in the left-hand corner of the envelope, although it was superscribed direct to the committee.

If you should wish for the entire correspondence between the committee and myself I can send it to you. It is not in my possession this morning, being still in the hands of my attorney.

Yours, very truly,

OTTO F. VON ARNIM.

P. S.—I admitted carelessness in signing the subscription paper in blank, but my mind was on other things at that moment, being extremely busy at the time, and I was thrown off my guard, not being on the lookout for pitfalls just then.

O. F. v. A.

Is Dely one of your people, and still in your service?

Mr. BODMER. I think he is. I am not sure. Defoy I think it is.

Mr. BARCUS. I would suggest, as he claims to have a letter from the house stating that a Congressman had recommended that the representative should call, he ought to submit that letter when he is making his complaint.

Senator ELKINS. He complains of the representations that were made and the difficulty he had with you.

Mr. BARCUS. I should like to call attention to the fact that these irresponsible letters that come in here are coming from men who are not under oath.

Senator ELKINS. No; but they are complaints written to the committee.

The CHAIRMAN. They ought not to be under oath.

Mr. BARCUS. There is a difference, I mean, between them and statements made under oath.

The CHAIRMAN. We are trying to find out from you whether these men have lied.

Senator ELKINS. It is a matter of public concern.

Mr. BARCUS. I do not mean to say they mean to lie.

Senator ELKINS. Here is a letter addressed to Senator Chandler by one of his constituents:

Hon. WILLIAM E. CHANDLER,

*United States Senate, Washington, D. C.*

MY DEAR SIR: I am glad to see that the matter of the "Messages and Papers of the Presidents" is to be investigated.

Some time ago I took advantage of the advertisement regarding this set of volumes, and I must confess I was led to believe that the plan possessed a semiofficial indorsement; in other words, that the volumes were issued by Congress—and I profess to have a certain share of intelligence. I made payments of \$3 per month. Sometimes I forgot to make the payments promptly, or happened to be out of town when the notice arrived. Then would come a communication through some bank or express company—a draft on demand—a peremptory order "to pay up"—not calculated to make one keep the peace, particularly if the person happened to be well known. In fact, I got so put out with the whole affair that I wrote to Senator Lodge, and was informed that the Government had nothing to do with the enterprise at all.

I should like to know how it happens that private individuals can use public property for private gain, misleading people in the idea that the Government is behind the plan. The books are all right. I have paid the bill; but I don't quite understand the situation yet or by what authority the books were issued.

Yours, very truly,

WALTER GILMAN PAGE.

He makes complaint of imposition. I suppose you will make the same answer to that letter as to the others. I believe that finishes the letters on the subject. The writer seems to have the idea that the members of Congress are distributing the books.

Mr. BARCUS. It would be to our disadvantage to have the impression go out that it was being done by Congress or that it was free, because it is the suggestion of free distribution that we are trying to get rid of. We can not hope to sell the books so long as a man can get them for nothing.

Senator ELKINS. Have you any specific answer to make to the letter?

Mr. BARCUS. He says he was led to believe that the plan possessed a semiofficial indorsement. Everyone can get that impression from the fact that the plates were made by the Government and it is a private publication authorized by Congress. I do not see how the idea that in some way the Government is connected with it can be wholly divorced from the publication so long as that truth is known. It is only the misuse of that truth which can be objected to.

He goes on and complains about being asked to pay his bill. I submit frankly that we know only one way when it comes to the question of collections. We collect, if possible, unless there has been some misrepresentation on the part of the agent which would entitle the subscriber to a cancellation of his contract. In that case we cheerfully cancel.

Senator ELKINS. I have not quite developed the facts about the plates. In your contract with Mr. Richardson what right did you get to the use of these plates and for how long?

Mr. BARCUS. For ten years from the date of the contract.

Senator ELKINS. Ten years?

Mr. BARCUS. The exclusive use of that set of plates.

Senator ELKINS. The exclusive use for ten years?

Mr. BARCUS. Yes, sir.

Senator ELKINS. The consideration, and the only consideration, was the royalty on the books?

Mr. BARCUS. Yes, sir; and the guaranty of so much per year.

Senator ELKINS. That he would get a minimum?

Mr. BARCUS. Yes, sir; that he would get a minimum of so much.

Senator ELKINS. He was to get 75 cents a set and a minimum?

Mr. BARCUS. Yes, sir; I knew that the question of success was very problematical. There had been 36,000 sets given away, which is larger than the average sale of a subscription book in this country.

Senator ELKINS. How many sets were given away?

Mr. BARCUS. Thirty-six thousand.

Senator ELKINS. By the Government?

Mr. BARCUS. By Congress. The sale of the Century Dictionary in fifteen years was only 25,000 sets, and I was advised by some publishers with whom I conferred not to go into it. The royalty agreed upon was fixed upon with that uncertainty in view.

Senator ELKINS. You have stated that your agents have no authority nor have they been instructed to state that the sets you sell are Government publications?

Mr. BARCUS. Precisely; I do state that.

Senator ELKINS. Under oath?

Mr. BARCUS. Yes, sir.

Senator ELKINS. W. H. Danvers in one of the suits swears that your agent did tell him it was a Government publication.

Mr. BARCUS. May I ask you a question? You mean that the Sun stated that he so swears?

Senator ELKINS. Yes, sir.

Mr. BARCUS. Have you an official report from the court to that effect?

Senator ELKINS. The Sun so states.

Mr. BARCUS. I read that.

Senator ELKINS. What about that agent? Is he still in your service? What does he say on the subject?

Mr. BARCUS. I should like to place on record, if the committee have no objection, a letter which we received from our attorneys, in New York, in reference to that case.

Senator ELKINS. State what it is. That is a serious charge.

Mr. BARCUS. This is all I know about it.

Senator ELKINS. Danvers swore in court that your agent said it was a Government publication.

Mr. BARCUS. Our agent was not in court, our attorneys inform us. There is the letter.

The letter referred to is as follows:

[Lenney & Donovan, counsellors at law, 35 Nassau street, James C. Lenney, Richard J. Donovan. Telephone 4261 Cortlandt. Cable address, "Donlen."] ]

NEW YORK, May 2, 1900.

COMMITTEE ON DISTRIBUTION,  
Washington, D. C.

GENTLEMEN: Your attention may have been called to an article appearing in the New York Sun of this morning in reference to the suit against one W. H. Danvers. As your attorneys, we deem it advisable to state the true facts in reference to said suit. The Sun stated that the Danvers suit was the first which we have instituted, while as a matter of fact and of public record we have brought for you more than a dozen suits, in all of which we have been successful, as the Sun well knew.

The Sun stated that a successful defense of fraud was interposed. This statement is untrue; the successful defense interposed by the defendant was that he did not sign the order or contract. The defendant when placed on the witness stand testified that he did not sign the contract.

Certain evidence was offered by the defendant and admitted by the court under our objection and exception, which in this case will constitute reversible error. An appeal has been taken and we believe the judgment will be reversed in the higher courts.

Yours, very truly,

LENNEY & DONOVAN.

Mr. BARCUS. It shows the animus in the Sun article.

Senator ELKINS. It does not get right straight to Danver's statement.

Mr. BARCUS. I know from the correspondence in the case, perhaps it was another letter, that they were unable to get Mr. Ricker, or whatever his name was, into court.

Senator ELKINS. I call your attention to an article appearing in the New York Sun of May 1, purporting to be instructions to the subcommittees. I believe you have put in one of those forms of instruction.

Mr. BARCUS. I do not know that we have given this particular instruction. There were some instructions sent out by some of the boys from the office.

Senator ELKINS. This is a little serious. I call your attention to

what purports to be a copy of private instructions to subcommittees, speaking of the Committee on Distribution. This instruction reads:

"My name is —— [handing card]. I have a business proposition to make to you which will take about five minutes of your time May I have it? [Assents.]

"I am assisting in the distribution of a Government work which takes up every important transaction that ever happened in the President's office from the beginning of the Government to the present time, and forms a complete history of the United States from original documents. It is the most expensive and important work ever gotten up by the Government. The plates and editing cost over \$1,000,000, or over \$10 a volume.

\* \* \* \* \*

"[While customer is turning over pages in the prospectus, casually remark:] There are forty of those engravings in the work, Mr. —— . You notice how clearly the lines are brought out and how artistic they are; they are all from the original paintings.

\* \* \* \* \*

"By the way, I ran across a very fine thing yesterday under Adams's administration—the address of the Senate to President Adams on the death of George Washington (p.298). Emphasize, namely: 'This event, so distressing to all our fellow-citizens, must be peculiarly heavy to you, who have long been associated with him in deeds of patriotism. Permit us, sir, to mingle our tears with yours. On this occasion it is manly to weep. To lose such a man at such a crisis is no common calamity to the world. Our country mourns her father. The Almighty Disposer of human events has taken from us our greatest benefactor and ornament. Greatness and guilt have too often been allied, but his fame is whiter than it is brilliant.'

"[Incidentally remark about the original purchase papers in the Louisiana Purchase under Jefferson, and that the Monroe doctrine gives the clearest conception of that subject you have ever had.] Some people think we are violating that doctrine at the present time, but a reading of it will convince us of the true facts. A person can learn more of history and the actual situation at various times during every period of our national life, and can get the information in one-tenth of the time that it can be obtained in the ordinary history. [To illustrate this point, take Lincoln's famous war message of July 4, 1861. \* \* \*]

"[Turning back to Lincoln's first inaugural, in your prospectus, page 10.] You will notice how he tries to stand off the civil war. 'Physically we can not separate. We can not remove our respective sections.' \* \* \* [And then his climax.] 'In your hands, my dissatisfied fellow countrymen, and not in mine, is the momentous issue of the civil war. \* \* \* [All these points should be committed to memory, so that you can quote them, as this is preferable to having customer read them.]

"Besides, there are a great many secret papers in the work. For instance, under Johnson's Administration there are the impeachment papers, which were never made public before, and are wonderfully interesting."

Is that true? Is that one of your instructions?

Mr. BARCUS. That instruction went out to a limited few, right in the beginning, and was repudiated by both Mr. Spofford and me as soon as we saw it.

Senator ELKINS. I quote again from the Sun:

"The price that is being made on it now is the best part of it—\$3.40 per volume in this handsome de luxe binding, *instead of \$10 a volume in the first edition cloth binding. This merely covers the cost of paper, print, binding, and getting it to you.* A good deal less than you anticipated, I guess, Mr. \_\_\_\_\_. However, it is rather an agreeable surprise that it is this way. The reason the work is so cheap is because you are getting the benefit of the Government expenditure *for the original cost of editing and compiling*; you don't even have to pay for setting up the type, as it is printed from Government plates, as stated before.

\* \* \* \* \*

"Now, this is the way it is done (presenting autograph book). Just give us your signature there, together with the others who are speaking for it, and we shall reserve a set for you and forward it to you in the regular order. There is no question about the indorsements being all right, for here are over five hundred from prominent people. (Show testimonial book.) I guess these belong to your class, and, by the way, these autographs are to be placed on file in the Congressional Library, where they are gathering the autographs of all the prominent men of the world, and Mr. Spofford thought it a very good criterion to go by in selecting names in the United States to take those who had secured a work like the 'Messages and Papers of the Presidents.' It naturally indicates their plane of thought, and anyone with a work of this kind in his library can be counted on as a man who is up to date and appreciative of his country's welfare. Of course, these autographs will remain in the possession of the Government for centuries to come. The work itself will be the greatest legacy that a man can leave to his family.

"(If he signs this without any trouble, then present the regular application blank, which states your understanding in detail. If he pays any money, leave a duplicate of this, receipted for the amount across the face. This is very important to get the cash.)

"(If the customer is still undecided, read New York Tribune's testimonial, and back that up by the one from the Atlanta Constitution, or any others you may feel fit the case especially.)

"We don't urge anybody to take this work, Mr. \_\_\_\_\_. It's a snap, and won't be distributed very long on this basis. I forgot to tell you that this proposition is for the immediate present, and that you must take advantage of it at once if you desire to secure the work. I expect to get word any day that the allotment for this district is exhausted, as it is unquestionably the greatest opportunity that has ever been offered."

\* \* \* \* \*

"(In the course of these moves and others that you will be making in the close, start to leave your customer, pick up your hat, put your samples in your pocket, anything to relieve the tension of his will power against yours, and make him think you have given up the purpose, but give him your best the first time; hang on a little longer until you 'break the last straw.' He is weaker than he will ever be again, and he is lost if you allow him to make a 'prospect' of himself. Canvass and recanvass him as long as he will stand it, if you think he can spare the money; if not, drop him long before this.)"

\* \* \* \* \*

"Is this Mr. \_\_\_\_\_? My name is \_\_\_\_\_ (handing card). (Leave rest to imagination.) (Secure time.) \* \* \*

"The Government issued enough sets of the work to supply the public officials and the members of the Senate and House. \* \* \* From the limited Government edition, press indorsements [The Sun happens to be cited by the sleek talker as authority attesting the value of the compilation—Ed. Sun] there grew a tremendous demand for the work. It came through the local Congressmen and direct to Washington. Well, Mr. ———, *after careful deliberation on the matter, they decided to overstep the very rigid rules which govern such things*, and issue a franchise on the plates, under restrictions, *to a committee especially appointed to furnish those of our citizens who desire it with the work at the bare cost of production and getting it to you.*

\* \* \* \* \*

"Now, Mr. ———, this is the way it is done: You make application to Mr. Spofford for a set, and you are furnished *at cost price*, which is ridiculously low, only \$3.40 per volume; less than you thought, I guess. It is almost like finding it, but when the people made the demand for it *they* decided to place it within the reach of every loyal citizen, and not let it be made a matter of speculation. \* \* \* Now is the only time to get it, as when this edition is run off *the plates will be returned to the vaults of the Government.*"

\* \* \* \* \*

"Seventh. Don't make known your business around the hotel or to the citizens of the town—only to those with whom you are doing business. You will always find a good many people that are inquisitive, and if they ask what your business is, simply look wise and *say that you are handling a Government work*. If they ask what it is, tell them it is private, and if you think worth while, make an appointment. Your work is too high-toned and dignified to allow it to get mixed up with the loafers of the town. You can not afford to put yourself on a level with a peddler."

"Eleventh. Bear in mind that you are working entirely for the Committee on Distribution, as Mr. Richardson, the editor, *who has charge of the placing of this popular edition*, selected Mr. Barcus and his associates, who are experienced men, to act on the committee in conjunction with himself and Mr. Ainsworth R. Spofford, general secretary. *It is not necessary to mention the J. S. Barcus Company's name, for, as a matter of fact, the work is not handled by a publishing house.*"

Mr. BARCUS. I would not undertake to defend instructions like those, and Mr. Spofford will recall that I was as angry about it as any outsider could have been. It was only a case of overzeal on the part of one of the assistants in the beginning, and it was called in as nearly as possible. It is not outstanding at present, and has not been for more than a year. I do not attempt to claim that our business has been without some errors and mistakes.

Senator ELKINS. I find in the New York Sun of Friday, April 20, 1900, the following:

[Extracts from advertisements.]

"A History of Our Country. Written by Our Presidents."

"Ten Magnificent Volumes."

"As Absorbingly Interesting as the Greatest Works of Fiction."

"An Authority on International Law"

"Nothing Published Anywhere Else Like It."

"American Statesmanship Crystallized."

"Every Fact Verified by Government Records."

"Authorized by the Government."

"Prepared Under its Supervision."

"Endorsed by the Government."

"An American Book for American Citizens by the Greatest Americans."

"A Wellspring of Patriotism."

Is that correct?

Mr. BARCUS. That is correct, I believe.

Senator ELKINS. Also the following:

"The Hon. Ainsworth R. Spofford, of the Congressional Library, has accepted the position of general secretary of the committee *appointed to distribute the work*. If a private publisher were to undertake to publish it, even if he could gain access to the Government records, *it would cost not less than a million dollars to produce, and he could not afford to sell it for less than ten dollars per volume*. The Committee on Distribution, however, has undertaken to distribute the work at a trifle over the cost of manufacture and distribution. If it is necessary to increase the price *to meet expenses*, it will be done later, but not on applications received during the present month.

"AINSWORTH R. SPOFFORD,

*General Secretary, Committee on Distribution, Department (1),  
Washington, D. C."*

Is that correct, and was it circulated?

Mr. BARCUS. Yes, sir; I think so.

Senator ELKINS. And the following:

#### "COMMITTEE ON DISTRIBUTION.

#### "MESSAGES AND PAPERS OF THE PRESIDENTS.

[James D. Richardson, Tennessee, editor. Ainsworth R. Spofford, general secretary.]

"WASHINGTON, D. C., August 7, 1899.

"Mr. ———, New York City.

"DEAR SIR: I am directed to inform you that your name has been selected by this committee, and Mr. James B. Walker, a member, has been assigned to call upon you and state the details of filing application by which you may secure a set of the most practical of all Government documents.

"Congress recently authorized the distribution of a limited number in each Congressional district. Knowing that you will appreciate this opportunity, I beg to remain, dear sir,

"Yours, faithfully,

C. H. McCALL, Clerk."

#### "COMMITTEE ON DISTRIBUTION.

#### "MESSAGES AND PAPERS OF THE PRESIDENTS.

[James D. Richardson, Tennessee, editor.]

"WASHINGTON, D. C., April 11, 1900.

"Mr. ———, Newark, N. J.

"DEAR SIR: I am directed to inform you that your name has been selected by this committee, and Mr. J. J. Humphrey, a member, has been assigned to call upon you and state the details of filing application by which you may secure a set of the most practical of all Government documents.

"Congress authorized the distribution of only a limited number in each Congressional district. The subscription edition now offered is published under authority of the editor, Congress having voted him a duplicate set of plates for that purpose by act of June 4, 1897.

"Knowing that you will appreciate this opportunity, I beg to remain, dear sir,

"Yours, faithfully,

G. N. PORTER, *Clerk.*"

These are correct as being your instructions and forms?

Mr. BARCUS. I should like to answer that by saying that those particular identical advertisements were published in the Sun in January and February, 1899, making the same statements that they find fault with there:

"Messages and Papers of the Presidents.

"A history of our country, written by our Presidents.

"Authorized by the Government.

"Prepared under its supervision.

"Indorsed by the Government."

That was published in the Sun and they found no fault with it.

Senator ELKINS. Then the Sun was making money out of it, and this is a matter that concerns the public.

Mr. BARCUS. And they have not been making money since then out of our advertisements. There was also published a photograph of our letter heads with which they have found so much fault.

The CHAIRMAN. That is one thing I wish to ask you about. There [exhibiting] is a letter head evidently intended for the purpose of deception.

Senator ELKINS. That is in evidence now.

Mr. BARCUS. That letter is in evidence.

The CHAIRMAN. It is in evidence.

Mr. BARCUS. If we had intended to deceive, would we be likely to publish that letter head in the Sun? There it is reproduced [exhibiting].

Whatever may be the effect, I assure you—

The CHAIRMAN. We are not defending the Sun.

Mr. BARCUS. It would have been unlike people who wanted to deceive to go into a paper of such critical disposition.

The CHAIRMAN. It is remarkable that you should select that very type.

Mr. BARCUS. That type, Senator, I should say, is Washingtonian. It is the type in which the Raleigh Hotel letter heads are printed. I notice a great deal of that type in promiscuous letter heads. I assure you there was no intention to deceive. After that suggestion was made to us by some others we abandoned that type, when we were not under fire, if I may so express it.

The CHAIRMAN. I understand that type was discontinued?

Mr. BARCUS. Yes, sir.

The CHAIRMAN. And it was discontinued for that reason?

Mr. BARCUS. It was discontinued because that objection had been raised.

The CHAIRMAN. It has not been used since?

Mr. BARCUS. No, sir.

The CHAIRMAN. How long ago was it discontinued?

Mr. BARCUS. We buy our stationery in lots of a hundred thousand, and we had quite a little on hand. I do not know whether it is all exhausted or not.

Mr. BODMER. We work it off in corresponding with our own men.

Mr. BARCUS. We use it with our agents and people. We have not recently used it with subscribers, as I understand, and no new letter heads of that kind have been printed recently, and no new ones will be printed.

Senator ELKINS. In the Sun of April 20 there are certain forms or copies of advertisements, circulars, etc., used by the Committee on Distribution. I have numbered them 1, 2, 3, and 4 in pencil. You say they are correct?

Mr. BARCUS. They are advertisements which have been used in the public prints. They are correct and are ratified. Some of the instructions which were used privately were used without authority, and have not been and were never ratified.

Senator ELKINS. There is one signed by Spofford, another by McCall as clerk, another by Porter as clerk.

Mr. BARCUS. These are all right.

Senator ELKINS. The witness states that they are all right.

Mr. BARCUS. So far as I know.

The CHAIRMAN. You use the words "All right." Do you mean that they are genuine?

Mr. BARCUS. Yes, sir.

Senator ELKINS. They are copies?

Mr. BARCUS. Yes, sir. I now submit letter heads of the old form.

The letter heads and envelopes are as follows:

No. 1.

Used for introductory letter in connection with forms Nos. 1 and 2.

**Committee on Distribution,**  
Messages and Papers of the Presidents.

James B. Richardson, Tennessee, Editor.  
Ainsworth R. Spofford, General Secretary.

Washington, D. C.

[The original of the above note head was printed in blue ink.]

**Committee on Distribution,**  
Washington, D. C.  
Ainsworth R. Spofford,  
General Secretary.

[The original of the above envelope was printed in blue ink.]

**Committee on Distribution,**  
AINSWORTH R. SPOFFORD,  
General Secretary,  
WASHINGTON, D. C.

[The original of the above envelope was printed in blue ink.]

No. 1.

First letter head used. Changed to form marked No. 2.

# Committee on Distribution, Messages and Papers of the Presidents

Washington, D.C.

James M. Richardson, Tennessee,  
Editor.  
Ainsworth R. Spofford,  
General Secretary.

[The original of the above letter head was printed in blue ink.]

No. 2.

Second form used. Changed to form marked No. 3 A.

# Committee on Distribution, Messages and Papers of the Presidents

Washington, D.C.

James M. Richardson, Tennessee,  
Editor.  
Ainsworth R. Spofford,  
General Secretary.

[The original of the above letter head was printed in blue ink.]

# Committee on Distribution,

AINSWORTH R. SPOFFORD,  
GENERAL SECRETARY,

Washington, D. C.

[The original of the above envelope was printed in black ink.]

# Committee on Distribution,

AINSWORTH R. SPOFFORD,  
GENERAL SECRETARY,

W. F. HALLAM.  
Washington, D. C.

[The original of the above envelope was printed in black ink.]

# Committee on Distribution,

AINSWORTH R. SPOFFORD,  
GENERAL SECRETARY,

Washington, D. C.

[The original of the above envelope was printed in black ink.]

Mr. BARCUS. Here are the forms we are using at the present time, showing the style of type.

The letters and envelopes are as follows:

No. 3 A.

Style now in use in Sales Department.

**COMMITTEE ON DISTRIBUTION,**  
**MESSAGES AND PAPERS OF THE PRESIDENTS,**  
 JAMES D. RICHARDSON, TENNESSEE, EDITOR,  
 WASHINGTON, D. C.

[The original of the above letter head was printed in blue ink.]

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No. 3 B.

Style now used by Collection Department.

**COLLECTION DEPARTMENT**  
**COMMITTEE ON DISTRIBUTION,**  
**MESSAGES AND PAPERS OF THE PRESIDENTS,**  
 R. J. BODMER, TREASURER,  
 11TH AND G STREETS, N. W.,  
 WASHINGTON, D. C.

[The original of the above letter head was printed in blue ink.]

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No. 3 C.

Style now used for introductory letter.

**COMMITTEE ON DISTRIBUTION,**  
**MESSAGES AND PAPERS OF THE PRESIDENTS,**  
 JAMES D. RICHARDSON, TENNESSEE, EDITOR,  
 WASHINGTON, D. C.

[The original of the above note head was printed in blue ink.]

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**Committee on Distribution,**  
**WASHINGTON, D. C.**

[The original of the above envelope was printed in blue ink.]

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Return in 5 days.

**Committee on Distribution,**  
 R. J. BODMER, Treasurer,  
 WASHINGTON, D. C.

[The original of the above envelope was printed in blue ink.]

Committee on Distribution.  
**AINSWORTH R. SPOFFORD,**  
General Secretary,  
**WASHINGTON, D. C.**

[The original of the above envelope was printed in black ink.]

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Committee on Distribution,  
OFFICE OF THE TREASURER,  
~~100-111 Fifth Ave.,~~  
**WASHINGTON, D.C.**     ~~NEW YORK~~

[The original of the above envelope was printed in blue ink.]

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Committee on Distribution.  
**AINSWORTH R. SPOFFORD,**  
General Secretary,  
**WASHINGTON, D. C.**

[The original of the above envelope was printed in black ink.]

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Committee on Distribution,  
OFFICE OF THE TREASURER,  
~~100-111 Fifth Ave.,~~  
**WASHINGTON, D.C.**     ~~NEW YORK~~

[The original of the above envelope was printed in blue ink.]

# COMMITTEE ON DISTRIBUTION,

OFFICE OF THE ASS'T SECRETARY,

Washington, D. C.

[The original of the above envelope was printed in black ink.]

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# COMMITTEE ON DISTRIBUTION,

OFFICE OF THE ASS'T SECRETARY,

LISTS.

Washington, D. C.

[The original of the above envelope was printed in black ink.]

# **Committee on Distribution,**

**OFFICE OF THE TREASURER,**

**Washington, D. C.**

[The original of the above envelope was printed in black ink.]

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**R. J. Bodmer, Treasurer,**

**COMMITTEE ON DISTRIBUTION,**

**Washington, D. C.**

[The original of the above envelope was printed in black ink.]

# Committee on Distribution,

OFFICE OF THE ASST SECRETARY,

Washington, D. C.

[The original of the above envelope was printed in black ink.]

# Committee on Distribution,

OFFICE OF THE TREASURER,

~~109-111 Fifth Ave.,~~

Washington, D. C.

~~New York~~

[The original of the above envelope was printed in black ink.]

The CHAIRMAN. How long have these been in use?

Mr. BARCUS. When was this reprinting done, Mr. Bodmer?

Mr. BODMER. Four or five months ago.

Mr. BARCUS. Four or five months ago.

Senator ELKINS. I notice on these papers you advertise Mr. Richardson, of Tennessee, as editor. Do you give him anything for the use of his name in that way over and above the 75 cents?

Mr. BARCUS. No, sir.

Senator ELKINS. He allows you to put his name on all of these papers and gets nothing for it except 75 cents?

Mr. BARCUS. We never asked his consent to put his name on as editor. He is the editor. It is simply publishing the truth. It is a simple statement of the truth. He could not object to that. He is the editor of the book. That is all that is meant by that. I submit some of the cards used.

The cards referred to are as follows:

## Committee on Distribution,

Ainsworth R. Spofford,

General Secretary,

Washington, D.C.

[The original of the above card was printed in blue ink.]

## Committee on Distribution,

Washington, D.C.

[The original of the above card was printed in blue ink.]

COMMITTEE ON DISTRIBUTION,

WASHINGTON, D. C.

[The original of the above card was printed in blue ink.]

Mr. BARCUS. Here [exhibiting] are some advertising circulars.

Senator ELKINS. They are too bulky to go in.

Mr. SIEVER. They are simply for the inspection of the committee.

Mr. BARCUS. It will give you some idea of where some of the expense has gone. It is a necessary concomitant of a successful publishing business. Here [exhibiting] are some of the outfits carried by the agents. We will leave these with you, and you may look them over if you like.

Senator ELKINS. I do not know of anything else at present.

Mr. BARCUS. I wish to say in this connection, as showing the lack of any effort at concealment, that the advertisements which were run in the New York Sun were run in the Washington papers, all three of them, during the Fifty-fifth Congress for several weeks, running up to the close of the session and after the session, making all these statements publicly and before the eyes of Congressmen, which have been objected to recently in the Sun, because we thought they were ordinary licensed methods of business.

The CHAIRMAN. In reference to your choosing the name "Committee on Distribution" for this concern, it seems to me that there is where the serious cause for criticism begins. It looks as if that was intended as a fraud. It would strike me so at once if it were presented to me in that shape. I should say, "Here is a fraud intended."

Mr. BARCUS. It seems to me, Senator, that that is a pretty broad accusation. It may have that effect on the minds of some people.

The CHAIRMAN. Ordinarily a man who was going into such a project as this would want his name connected with the concern.

Mr. BARCUS. My only reason for not having my own name connected with the business was because I preferred to have my name used in a professional way. I wanted to get out of business actively, and I have been out of it actively. I have spent a long time in getting a diploma to practice law, and I wanted to be known as a professional man rather than a business man from that time on. That was my only object in that. I did not attempt to conceal personalities in it. I never denied it. I could have done so if I had wanted to deceive anybody. I could have been a secret partner. I did not attempt that.

The CHAIRMAN. There was no public announcement that this was the name of your firm.

Mr. BARCUS. So far as I know, that is not customary. We published in the magazines that that was the name. It is simply a business name. It was selected with no view to deceiving anybody. It was hit upon by an association of ideas as a name appropriate to the book. Here are some notes and checks which I will submit, showing our method of doing business. We keep our bank account in that name.

The CHAIRMAN. How long has this general plan been in use?

Mr. BARCUS. Practically from the beginning. I would not want to assert under oath that it was right from the beginning, but practically so. We have so had our bank account certainly for all the time, with the exception of perhaps a month or two.

Senator ELKINS. You do business with the Columbia National Bank in this city?

Mr. BARCUS. Yes, sir. Since September, 1898, Mr. Bodmer says he thinks is approximately correct for that date.

I should like to have the privilege of having Senator Siever review the situation briefly, because he has gone into this very carefully as my representative and the representative of the Committee on Distribution, and can sum it up, and he may think of some things in connection with it that I have not thought of. I have not been active in the

management of this business, and I feel somewhat embarrassed when it comes to details, because I have not gone into them.

Mr. BARCUS subsequently said: I desire to say that we have decided to change the form and style of our trade name as soon as a change can be practically made. This change in so large a business, involving many outstanding contracts and agents and managers, will necessarily require some time, possibly ninety days, or a trifle longer, but it will be done with all expediency in keeping with safe business methods.

In reference to the royalty paid Mr. Richardson, I wish to say that it is \$11,320.50.

### TESTIMONY OF AINSWORTH R. SPOFFORD.

AINSWORTH R. SPOFFORD, being duly sworn, was examined and testified as follows:

The CHAIRMAN. Please state your full name?

Mr. SPOFFORD. Ainsworth R. Spofford.

The CHAIRMAN. Your residence is here?

Mr. SPOFFORD. Washington City.

The CHAIRMAN. It has been for how many years?

Mr. SPOFFORD. Thirty-nine.

The CHAIRMAN. You have been the Librarian or assistant librarian of Congress for how many years?

Mr. SPOFFORD. I was Librarian from December, 1864, to July, 1897. Since then I have been chief assistant librarian, and am at the present time.

The CHAIRMAN. Will you please state your relations with this business, what your connection with it was and still is, if any?

Mr. SPOFFORD. During the progress of the work while Librarian, and while my professional duties were still in the Capitol, I aided Mr. Richardson, simply furnishing the means of procuring many Presidents' messages which were neither in former compilations nor in documents of Congress nor found in the State or other Departments. We found them in old newspapers, some of them in the Library, occasionally one in the memoirs of public men of the early days of the Republic. That aid was casual, and was of course what I should have done for any Senator or Representative as Librarian of Congress.

That, perhaps, led Mr. Richardson to do what ultimately formed the basis of my connection with this publication, namely: He wanted my judgment, as it had occupied a great deal of his time and care for years. The work was approximating completion. I think it was all published but a few volumes, and he had entered upon the work of a most elaborate historical index, which embraced not only references to the text, matters of political and historical importance in the body of the work, in every message of every President under their names as well as under the topics themselves, but a brief, if I may so term it, of American history and politics. It was a large undertaking, and, as you have all seen, it fills four to five hundred pages in the last volume of the work. This was two years ago.

In April, 1898, Mr. Richardson came to me one day in the Library with Mr. Hallam, I think, who is connected with this publishing enterprise, and asked me would I consent to aid him in the index, and, as he had formed a connection with Mr. Barcus for the publication of the work, would I give the benefit of my judgment and experience to the proper wording of circulars and advertisements. I was offered, not by Mr. Richardson, but by Mr. Barcus, compensation.

The CHAIRMAN. Were they together at that time?

Mr. SPOFFORD. Mr. Barcus was not there. Mr. Hallam, his agent, was. Mr. Richardson, Mr. Hallam, and I were together. I gave him no decisive answer. I said "I would consider this, which is a grave matter, and reply in a day or two." I looked at the whole matter in its various aspects, and consulted confidentially Mr. John Russell Young, then Librarian of Congress, and asked him, "Is there any impropriety, in your judgment, in my accepting the position of secretary of a distribution agency, to receive the correspondence, to take no Library time in answering it, but to hand it over to the business agency, and to do such additional literary work of an advisory character as belongs to it"—the scheme outlined, which I have given to you. He said, "No, there is no impropriety in it. On the contrary, I think you ought to do it." He expressed the highest opinion of the work and of Mr. Richardson, the editor. He knew something about it.

Then I made up my mind, as the work was one of very high character and utility, and as it was very important that the historical index should be complete and accurate, and as they had accompanied the tender to me with a proposition to pay me \$1,000 a year, that I had better accept the tender, which I did and made a contract, I think for ten years, if I remember rightly, except that it was terminable on notice from either party.

Then whenever the proofs of the index came in Mr. Richardson, having with his son revised them once, I read every line of the proofs of the index. I did not read the messages themselves—a very laborious business—but I did read every line of the index and made such corrections as my knowledge of the political history and the documents involved enabled me to suggest. They were made on the body of the proofs and sent them back to Mr. Richardson. That continued for as many months as the printing of the index, which, being the most elaborate, perhaps unexampled, in a Government publication ever published as to its extent and minuteness, occupied a good number of months; I do not know how many.

I also, during this whole time, examined such proofs of proposed circulars to be issued to agents and to subscribers or contemplated subscribers as were submitted to me, and occasionally suggested amendment. There was pretty strong language used in some of them, which I deemed extravagant and uncalled for. They were prepared by young men, perhaps not very expert in matters of literary skill, and there were statements as to this being the only publication authorized by Congress, and statements of a similar nature, as to its having cost more than any Government publication heretofore, which was not true. The exploring expedition cost \$275,000, and there were only 100 copies printed. I refer to the Wilkes Exploring Expedition around the world. There were such matters, which I deemed undue positivism, in setting forth the merits of the books using some high-flown language. I corrected those and returned them as approved as corrected and signed my name to them. I suppose there must have been in all a half a dozen or more circular letters.

That is the history of the inception of the connection that I had with the publication. As to its continuance, let me say that while I had no clerical duties to perform as to this large correspondence with the agents or the public beyond turning over the letters as they were received to the business office, I did occasionally receive, as I had my name connected with the circulars as general secretary, complaints of the nature of those which have been exhibited to-day, and there was occa-

sionally one from a member of Congress, stating that constituents were dissatisfied; others stating that the term "Committee on Distribution" was seriously objected to as open to wrong constructions, as in a manner connecting private enterprise with the public functions of Senators or Representatives who formed the Congress. That made me uneasy, and very soon after I entered into the agreement with Mr. Barcus I wrote him a letter in some detail, objecting to the further use of the term "Committee on Distribution," and I proposed another term—the "Bureau of Circulation." I proposed the use of the term "Bureau of Circulation," instead of the term "Committee on Distribution."

His reply was that that was very objectionable, and would lead to serious business losses in his judgment; that the term had become, in a manner, a valuable trade-mark or trade designation, and the interest of the publishing enterprise would be seriously injured by its withdrawal.

Then we had an interview at one time. I still objected to it, and he still held on to the term as something very valuable, and I finally had to say if it were not withdrawn at some time I should have to resign. I did not wish to have my name as an officer of Congress in any manner drawn into discredit by connection with a publishing enterprise which was objected to by Senators and Representatives; but I still continued under a general statement that he would endeavor to make it satisfactory.

The CHAIRMAN. About what time was this?

Mr. SPOFFORD. As nearly as I can remember, it was in the early summer of 1899, about one year after I signed the contract and the business had gone on. I could, by referring to some letters, give you the exact date, but I can not from memory.

The CHAIRMAN. I do not think the exact date is very important.

Mr. SPOFFORD. I should say in the early summer of 1899.

These letters of complaint occasionally came in as to what agents had represented. Some agents had represented—falsely, of course—that subscribers would receive Government publications thereafter free. That was wholly without foundation, either in the facts or in the instructions of the promoters of the publication. Other agents had stated that if the books were not satisfactory upon receipt they were privileged to throw up the contract and not pay for them. That, I understood from the manager, was wholly unfounded. But the number of such letters that I received, although not great in bulk at all—certainly not, compared with the very large number of the sets of the Messages which I understood were being supplied to the public—made me uneasy and restive. I finally made up my mind that I could not in justice to myself continue to be associated with such an enterprise, if it was not to be changed as to its general title. I so notified Mr. Barcus.

Senator ELKINS. That was when?

Mr. SPOFFORD. I definitively resigned in writing one month ago. I can give you the date, as a copy of the letter is at my house.

Senator ELKINS. That is sufficient.

Mr. SPOFFORD. I have a copy at my house. It was one month ago. Now, I should be glad to be questioned on any matter. I do not know whether I have made my statements full enough.

The CHAIRMAN. Then up to the time when you signified your intention to resign your name was used?

Mr. SPOFFORD. No, sir; because, more than four months ago, in a personal interview, I desired that my name be withdrawn from all circulars, letter heads, and other stationery which were being used, and

that was conceded at once, very honorably, by Mr. Barcus and his managers, and they did withdraw my name from all the stationery of the distributing agency.

The CHAIRMAN. How long ago was that?

Mr. SPOFFORD. Four months.

The CHAIRMAN. That was before there had been any notice whatever of this matter by the press?

Mr. SPOFFORD. Yes, sir; entirely so.

The CHAIRMAN. Then I am to understand that you have severed your relations with the concern?

Mr. SPOFFORD. I have definitively; yes, sir; by giving the required notice.

Senator ELKINS. You were the secretary. That was your official title?

Mr. SPOFFORD. The title was general secretary of the Committee on Distribution.

Senator ELKINS. These circulars that went out with your name on them were sent out with your consent as general secretary?

Mr. SPOFFORD. So far as I know there were none sent out without being previously submitted for my judgment.

Senator ELKINS. I refer to those that were put in evidence, and which you heard here, containing your name as general secretary.

Mr. SPOFFORD. I did not look at them. I think probably they are.

Senator ELKINS. Did you see those in the New York Sun?

Mr. SPOFFORD. No; I have not read a word of what the New York Sun published except the first article. I read that, and I thought that probably everything else following that would be like it. I was told from time to time that my name was appearing. I was too busy to follow the matter.

Mr. SIEVER. We have the letters approved by Mr. Spofford, if the committee desires them.

The CHAIRMAN. Had they not better go in evidence?

Mr. SIEVER. Yes, sir; we will offer them in evidence.

Senator ELKINS. Mr. Spofford, your name is on the circular of instructions to the agents. In the correspondence and management of the active business generally your name is signed A. R. Spofford, general secretary. That was authorized by you?

Mr. SPOFFORD. Yes, sir.

Senator ELKINS. Were you interested in any way in the profits of the concern?

Mr. SPOFFORD. Not in the slightest degree.

Senator ELKINS. Simply as an employee?

Mr. SPOFFORD. Yes, sir; that was all. The contract distinctly stated that I should be held to no liability.

The CHAIRMAN. Your compensation consisted of \$1,000 a year?

Mr. SPOFFORD. Yes, sir; that is in the contract.

Mr. BARCUS. May I remind Mr. Spofford, in the interest of correctness and that is all, that it was changed afterwards to a different figure. Possibly it is just as well to let the facts be known. It was changed to \$2,000 after the first.

Mr. SPOFFORD. That was within a few months. It was not in the original contract.

Senator ELKINS. I do not believe I have any further questions to ask.

The CHAIRMAN. I do not know of anything else.

Mr. RICHARDSON. May I be permitted to ask a question?

The CHAIRMAN. Yes.

**Mr. RICHARDSON.** You mentioned my appearance with Mr. Hallam. I simply came and introduced Mr. Hallam to you, that was all?  
**Mr. SPOFFORD.** That was all.

# TESTIMONY OF GEORGE W. SIEVER.

**GEORGE W. SIEVER**, being duly sworn, was examined, and testified as follows:

**The CHAIRMAN.** Whom do you represent?

**Mr. SIEVER.** I represent the Committee on Distribution.

**The CHAIRMAN.** As what?

**Mr. SIEVER.** As its attorney.

**Senator ELKINS.** General attorney for the committee, Washington, or what—chief counsel?

**Mr. SIEVER.** Its chief counsel, I suppose, would be the proper style.

**The CHAIRMAN.** Where do you reside?

**Mr. SIEVER.** Akron, Ohio.

These exhibits that have been offered will be left here for the use of the committee, and, as I understand the matter from my examination, they represent the entire methods of sales by agents and by correspondence.

**The CHAIRMAN.** From the beginning until the present time?

**Mr. SIEVER.** Yes, sir.

**The CHAIRMAN.** Are you the attorney for the publishing house, too?

**Mr. SIEVER.** Yes, sir; I represent the Werner Company, of Akron, Ohio, and have represented them for a number of years. The Werner Company, I may state since the question has arisen here, is a corporation organized under the laws of the State of New Jersey, with a capital of \$3,500,000, and is probably the largest printing and publishing house in the United States.

**The CHAIRMAN.** Are you safe in that statement?

**Mr. SIEVER.** There is no doubt about it. It would not be too extreme to say it is the greatest publishing plant in the world.

**Senator ELKINS.** At Akron, Ohio?

**Mr. SIEVER.** Yes, sir.

**The CHAIRMAN.** How many employees have the company?

**Mr. SIEVER.** They have in the neighborhood of 600 employees, with pay roll of about \$60,000 a month.

We offer here in evidence letters I have taken from the files of the Committee on Distribution, approved by Mr. Spofford.

**Senator ELKINS.** Letters?

**Mr. SIEVER.** They are the forms of letters for the use of the business.

**The CHAIRMAN.** They were all submitted to Mr. Spofford and approved by him?

**Mr. SIEVER.** Yes, sir; and bear his O. K.

**Senator ELKINS.** They are instructions to agents, etc. They will all be put in the record.

The papers referred to are as follows:

## LETTERS APPROVED BY MR. SPOFFORD AT VARIOUS TIMES.

Approved.

A. R. SPOFFORD.

**DEAR SIR:** We take it for granted that you have a set of the "Messages and Papers of the Presidents," and probably have already reviewed

it; but since it is receiving considerable notice at this time in connection with our efforts to forward its sale, we should appreciate whatever favorable comment you see fit to make.

If you have not a set of the volumes, we shall be pleased to supply you upon your request.

It is our intention a little later to do a large amount of local advertising in your vicinity. We expect to begin with the local papers in Washington in the near future, and then branch out, advertising a few weeks in each locality.

May we ask you to oblige us further by requesting your business department to mail us your schedule of rates for advertising, with any modification you would be able to make on condition of a large contract.

Yours truly,

O. K. for sending out to editors.

AINSWORTH R. SPOFFORD.

Approved.

A. R. SPOFFORD, January 6, 1899.

COMMITTEE ON DISTRIBUTION,  
MESSAGES AND PAPERS OF THE PRESIDENTS,  
*Washington, D. C.*

[James D. Richardson, Tennessee, editor. Ainsworth R. Spofford, general secretary.]

Before winding up the distribution of "Messages and Papers of the Presidents," the committee desires to feel that its labors have been well done. The rapidity with which the distribution has progressed is not only an indication of the great value of the work, but also that very soon the apportionment for each district will be spoken for.

I notice that while you *were* interested in the work you have not yet filed your application, and venture to suggest, therefore, that if you hope to secure a copy of this great library of American history and American patriotism you should file your application immediately.

Your evident desire to possess this magnificent work prompts me to write this final letter to you.

Yours, very truly,

COMMITTEE ON DISTRIBUTION,

*General Secretary.*

Correct.

A. R. S.

Agreeable to your request concerning "Messages and Papers of the Presidents," I have caused to be sent to you, under separate cover, specimen pages, circulars, and descriptive matter of the work and its uses, and I can assure you that it is prepared with conservatism, and the accuracy of each statement verified by the editor and myself.

The work is even more than is claimed for it in the advertising or printed matter, and is considered by the best critics of the United States as one of the greatest, if not the greatest, historical work that is in the Congressional Library. It is especially interesting at this time, when such a work is so much in need by all citizens who desire authentic information upon the progress and achievements of the nation.

Were the writer to attempt to advise you concerning any one work outside of the Bible, he could not suggest any other that would be more appropriate as the foundation to the American citizen's library, or a work that would lend more strength and dignity.

The price is merely nominal, only \$2.40 per volume in the seal brown silk cloth binding, and \$3.40 per volume in the half morocco de luxe binding.

The terms are cash for the volumes now out, seven of the ten. Realizing that it may be inconvenient for some to pay the entire cash price down, we extend to those giving good references the opportunity to pay for the work at practically their own convenience, with the one stipulation that the minimum terms shall be \$3 on delivery and \$3 per month.

Should the work meet with your approval, kindly fill out one of the inclosed blanks, and your application will receive attention in its regular order.

I would not have you underestimate the value of the work from these low quotations, as it is explained by the fact that you are getting the benefit of the Government's expenditure on the work.

Yours, very truly,

P. S.—Considering the fact that this work will be in the family for generations to come, we would recommend the de luxe binding as much more durable and handsome. The price is not enough more to stand in the way if you prefer this binding, although the silk cloth is a first-class cloth binding.

Approved.

A. R. SPOFFORD, December 27, 1898.

COMMITTEE ON DISTRIBUTION,  
MESSAGES AND PAPERS OF THE PRESIDENTS,  
Washington, D. C., ———, ———.

[James D. Richardson, Tennessee, editor. Ainsworth R. Spofford, general secretary.]

Agreeably to your request concerning "Messages and Papers of the Presidents," I have caused to be sent to you, under separate cover, specimen pages and descriptive matter of the work and its uses, and I can assure you that it is prepared with conservatism, and the accuracy of each statement verified by the editor and myself.

The work is even more than is claimed for it in the advertising or printed matter, and is considered by the best critics of the United States as one of the greatest (if not the greatest) historical work yet published. It is especially interesting at this time, when such a work is so much needed by all citizens who desire authentic information upon the progress and achievements of the nation.

Were the writer to attempt to advise you concerning any one work he could not suggest any other that would be more appropriate as a complement to, or the foundation for, the American citizen's library, or one that would lend more strength and dignity.

The price is merely nominal, in view of the great extent of the work, being but \$34 for the complete set in ten volumes, bound in half morocco de luxe style, limited (seal-brown silk cloth, \$24).

I would not have you underestimate the value of the work from these low quotations; it is explained by the fact that you are getting the benefit of the Government's expenditure on it.

The committee reserves the right to increase the price, without notice, on unsubscribed copies, should it transpire that the above prices do not meet with the detail expenses.

In order to avail yourself of this opportunity you have but to fill out one of the inclosed blanks, and your application will receive attention in its regular order.

Yours very truly,

\_\_\_\_\_  
*General Secretary Committee on Distribution.*

*To the Readers of the ———:*

The Committee on Distribution in the matter of "Messages and Papers of the Presidents" has received so many requests for application blanks at the committee rooms in Washington from readers of the ——— that the detail of the distribution has become quite burdensome. In order to relieve this as much as possible, and in answer to many suggestions from New York that this handsome and valuable set of books be exhibited in some convenient place, to facilitate the filing of applications, arrangements have been made whereby 500 sets have been apportioned especially for readers of the ———, and the committee has resolved to exhibit the work on Monday, January 9, at the temporary rooms of the committee, in this city, and on Tuesday, January 10, unless the special allotment for ——— readers is exhausted on the first day.

The unprecedented demand for this work is a striking illustration of the keen interest now more than ever before taken by our citizens in everything that is truly American, for this great work, in ten superb volumes, forms a true library of American history and American patriotism, for it contains the official utterances of the greatest Americans; those great utterances in which the national Executive has brought forward for the consideration of Congress and the American people, one after the other, all the great measures of national interest.

The vast expense of gathering together this complete collection of State papers has been borne by the Government, and the volumes are now being distributed at a trifle over the cost of manufacture and distribution.

The special allotment for readers of the ——— consists of 500 sets, each set numbered and registered.

The distribution will commence at 8.30 a. m. on Monday, January 9, and applications will be accepted and filed for shipment in the order received.

At the committee rooms, ——— building.

AINSWORTH R. SPOFFORD,  
*General Secretary.*

We would like to have your authority to vary this letter appropriately for different papers, and as other changes may suggest themselves to us; so if you will O. K. below this, giving us this general license, it will save time and labor.

Approved.

A. R. SPOFFORD, January 3, 1899.

Approved.

A. R. SPOFFORD.

COMMITTEE ON DISTRIBUTION,  
MESSAGES AND PAPERS OF THE PRESIDENTS,  
Washington, D. C., ———, ———.

[James D. Richardson, Tennessee, editor. Ainsworth R. Spofford, general secretary.]

I beg to inform you that Congress has granted the privilege of printing a limited edition of Messages and Papers of the Presidents, a work which forms, practically, a history of our country, written by our Presidents.

Your name has been selected as one to whom the offer is to be presented, and a member of the committee, Mr. ———, will call on you in a few days and explain further details.

Trusting you will appreciate the courtesy extended to you, I am,  
With high regard,

—————,  
*General Secretary Committee on Distribution.*

Approved.

A. R. SPOFFORD. December 27, 1898.

COMMITTEE ON DISTRIBUTION,  
MESSAGES AND PAPERS OF THE PRESIDENTS,  
Washington, D. C., ———, ———.

[James D. Richardson, Tennessee, editor. Ainsworth R. Spofford, general secretary.]

Since writing you we have been urged by a large number of people to permit them to take and remit for Messages and Papers of the Presidents in two or more payments.

The committee, appreciating the importance of this demand, have resolved to supply the work in this way upon applications made at once. It is in the nature of an experiment and can not be continued if its operation involves too much detail labor on the part of the committee.

You are therefore at liberty, should you make immediate request, to arrange to make two or more payments, provided the payments do not run lower than \$3 per month, although nothing will be added to the cash price of \$34 per set of ten volumes for the half morocco de luxe binding (\$24 for the seal-brown silk cloth binding).

This work certainly can not shrink in value, and it is undoubtedly destined to grow more and more desirable, for it is the one work which can not be reduced in value by lapse of years.

Thinking you might welcome the opportunity to get the books on practically your own terms, I have taken the liberty of laying the offer before you.

Believing you will appreciate the courtesy extended, I remain,  
With high regard,

—————,  
*General Secretary Committee on Distribution.*

S. Rep. 1473—7

Approved.

A. R. SPOFFORD.

COMMITTEE ON DISTRIBUTION,  
MESSAGES AND PAPERS OF THE PRESIDENTS,  
Washington, D. C., February 11, 1899.

[James D. Richardson, Tennessee, editor. Ainsworth R. Spofford, general secretary.]

DEAR SIR: The committee appointed to oversee the distribution of a limited popular edition of the Messages and Papers of the Presidents has apportioned the number of sets by Congressional districts, giving to each, so far as possible, one set for each 500 population.

Your name has been handed to the committee among those residents of Cortland County who would be likely to care for this book.

I may say that the Messages and Papers of the Presidents contains all of the official utterances of all of the Presidents, which, together with an encyclopedic index, make practically a history of our Government by our Presidents.

The work was compiled by direction of Congress, and is printed from Government plates.

Universal praise has been accorded this compilation, as an instance of which I inclose a facsimile of a letter from Hon. Sereno E. Payne to the editor.

The details of the distribution in the Twenty-eighth Congressional district are in the hands of Mr. H. K. Fisher, a member of the committee, who will be at the Cortland House, Cortland, on Wednesday and Thursday, February 15 and 16.

As, in accordance with the ratio above given, but 56 sets are apportioned to Cortland County, I suggest that you take an early opportunity to call on Mr. Fisher. If, however, this should not be convenient, you may communicate with him by the use of the inclosed postal card.

To avoid the possibility of misapprehension, I may say that this work is not being distributed free, but at a price fixed to cover the cost of manufacture and distribution.

Believing you will appreciate the courtesies extended, I am,

With high regard,

General Secretary.

The above letter and letters of a similar character, with needful modifications, is approved.

COMMITTEE ON DISTRIBUTION  
MESSAGES AND PAPERS OF THE PRESIDENTS,  
Washington, D. C., October 5, 1899.

[James D. Richardson, Tennessee, editor. Ainsworth R. Spofford, general secretary.]

Mr. WILLIAM B. HENION, *Chicago, Ill.*

DEAR SIR: I am directed to inform you that your name has been selected by this committee, and Mr. O. A. Ewers, a member, has been assigned to call upon you and state the details of filing application by which you may secure a set of the most practical of all Government documents.

The subscription edition now offered is published under authority of the editor of the work, Congress having voted him a duplicate set of plates by act of June 4, 1897, for that purpose.

Congress authorized the distribution of only a limited number in each Congressional district.

Knowing that you will appreciate this opportunity, I beg to remain,  
 dear sir,

Yours, faithfully,

EXECUTIVE MANSION,  
 Washington, October 20, 1898.

Hon. J. ADDISON PORTER.

DEAR SIR: Ainsworth R. Spofford, who had your permission to copy the paintings of the ex-Presidents and their wives, has completed the work in the allotted time to the complete satisfaction of all.

Very respectfully, yours,

WM. DU BOIS,  
 Chief Usher, Executive Mansion.

DEPARTMENT OF THE INTERIOR,  
 BUREAU OF EDUCATION,  
 Washington, D. C., ———, ———.

It gives me pleasure to advise you that Congress has granted the privilege of printing from Government plates a limited edition of Messages and Papers of the Presidents, a work which forms practically a complete history of the United States from the original documents, giving, as it does, all the annual and special messages in which the National Executive has brought forward for the consideration of Congress, one after the other, all the great measures of national interest.

Hon. A. R. Spofford, of the Library of Congress, is general secretary of the Committee on Distribution, which is a guaranty of the authenticity and great merit of the work. I have asked him to set aside an allotment especially for the educators of the United States, the same to be distributed about in proportion to the population.

I have carefully examined the same, and I have found abundant evidence of its practical value to the educator. The correct understanding of the fundamental principles of our Government and the ever-increasing significance of our history makes this work an actual necessity to the progressive educator.

I inclose Mr. Spofford's card. If you are interested, kindly fill it out, and he will send you sample pages and further particulars.

Yours, very truly,

W. T. HARRIS,  
 Commissioner of Education.

COMMITTEE ON DISTRIBUTION,  
 MESSAGES AND PAPERS OF THE PRESIDENTS,

[James D. Richardson, Tennessee, editor; Ainsworth R. Spofford, general secretary.]

Washington, D. C., May 31, 1899.

DEAR SIR: It is the desire of the committee to place the remaining sets of "Messages and Papers of the Presidents" where they will be most appreciated and where they will have the most influence in building up the standard of American citizenship in the home.

It is also the desire of the committee to dispose of the remainder of its edition with the least possible expense.

Knowing you to be an appreciative possessor of the work, and assuming your interest in the general desire of securing a larger measure of knowledge of the great questions already solved by our glorious Renn-

lic, with a view to further improvement in the future, we ask you to aid us in placing the remaining allotment for your city by giving us on each of the inclosed tickets the name of a responsible citizen who would welcome the opportunity for securing the work in his family, and, further, extend to each person so named the privilege of examining the set already in your library.

In return for this favor we shall take the liberty of sending you a check for \$2 on account of each set disposed of in this way to reimburse you for the annoyance you are put to.

Thanking you in advance for your cooperation in this great work, and hoping to hear from you soon, I am,

Yours, very truly,

\_\_\_\_\_,  
General Secretary.

Approved as amended:

A. R. SPOFFORD.

COMMITTEE ON DISTRIBUTION,  
MESSAGES AND PAPERS OF THE PRESIDENTS,  
Washington, D. C., \_\_\_\_\_, \_\_\_\_.

[James D. Richardson, Tennessee, editor; Ainsworth R. Spofford, general secretary.]

DEAR SIR: Through the courtesy of [your friend] Mr. \_\_\_\_\_ your name has been submitted to me among [nine] others who he believes would appreciate the opportunity of securing one of the few sets of "Messages and Papers of the Presidents" which have been allotted to your district.

Believing you will quickly realize the very great merit of the work and the opportunity afforded, I ask that you call and examine the books now in the library of Mr. \_\_\_\_\_ and return early the application which is inclosed [at once].

No other work is so much needed by the American citizen to-day. Called upon, as we constantly are, to lend our influence to the betterment of a Government already known the world over as the best that exists [on earth], the possessor of this work, in a position, as he is, to mark the history of all great questions of the past, is peculiarly fitted to gauge the future and prepare himself for the new duties which are to come.

In presenting your name to the committee, Mr. \_\_\_\_\_ has kindly consented to show you the books in his own library, and this, with the information covering the origin, plan, and scope, together with the illustrations contained in the printed matter which [I have caused to be] is sent to you, will [I think] enable you to [derive] form a conclusion [some hint] as to its value, and give me your decision by an early mail. Believing you will appreciate the courtesy extended, I am,

With high regard,

Approved, with slight changes.

A. R. SPOFFORD.

COMMITTEE ON DISTRIBUTION,  
MESSAGES AND PAPERS OF THE PRESIDENTS,  
Washington, D. C., \_\_\_\_\_, \_\_\_\_.

[James D. Richardson, Tennessee, editor. Ainsworth R. Spofford, general secretary.]

DEAR SIR: I take the liberty of calling your attention to a feature of Messages and Papers of the Presidents which [it has been

impossible to explain] could not be explained adequately before now, viz: The Index (Vol. X), which has grown to such proportions as the work progressed that it stands to-day as [the only complete] a dictionary of the political, historical, and material story of our remarkable country, with every fact verified by the Government records. It is the key to the archives of the Government. The completion of this volume has been delayed [because of our desire] to include the ratification of the Peace Treaty with Spain and all of President McKinley's messages, which form, as you know, the most complete and authentic story of the war with Spain, and which are so indispensable in the connected story of our Government as contained in the official utterances of our Chief Executives.

Another feature in which I am sure you will be interested is this: The remaining sets which the committee has to distribute include the full-page copies of the official portraits of the Presidents hanging in the White House. These have never before been and will never again be published in any book. I inclose a circular with miniature reproductions of these historic paintings, so that you may get some idea of the beauty and value of these priceless works of art.

Notwithstanding this added feature, the price to you remains the same, inasmuch as by your former inquiries you have indicated a desire to possess the work as soon as you are able, and we have arranged to supply the remaining sets *on easy payments*, so that the final withdrawal of this remarkable offer at such a low price can not be accompanied by any thought on your part that the opportunity was not presented to you in a satisfactory manner.

If you will send a remittance of *three dollars*, [together] with signed application, including references [as required] and pay at least three dollars per month, the books will be sent to you at once, and you can get the benefit of having this great work at your elbow, provided you attend to it within *ten days* from the date stamped on the inclosed application.

Believing you will appreciate the courtesy of this [one more] opportunity, I am,

With high regard,

P. S.—Perhaps you do not feel the immediate need of the work for your own use; perhaps you are so situated that you have no desire for it; but if every citizen or citizen to be who will be called on to hold office or to do something for his country could have the advantage of the knowledge contained in this book, his work would be easier and his duty plainer. [Neither you nor I know] No one knows when he may be called on fill a new place in the destiny of our country or when a member of our family, or some one in whom we are equally interested, will be [called upon to do service for the country or be] placed in some [other] position in which the possession of this work would be a god-send. Without it, and the opportunity to secure it gone, success must necessarily involve greater effort.

—A. R. S.—

(No signature to postscript required.)

Mr. SIEVER. We will leave here some checks and notes, taken indiscriminately, and the committee may use them.

Senator ELKINS. For my part, I have no use for them.



[All of the checks and notes referred to are signed "Committee on Distribution, per Rudolph J. Bodmer, treasurer."]

The CHAIRMAN. The work of selling these books has been done under no other name?

Mr. SIEVER. Under no other name, with the exception, as stated by Mr. Barcus, that some preliminary business was done under his old firm name in getting ready for the formation of the method under which this business should be done.

#### DISTRIBUTION OF MESSAGES AND PAPERS OF THE PRESIDENTS.

The CHAIRMAN. I have here, in response to a letter which I wrote yesterday, an answer of L. C. Ferrell, superintendent of documents, Government Printing Office, to the chairman of the committee, in respect to the distribution of the Messages and Papers of the Presidents.

The papers referred to are as follows:

GOVERNMENT PRINTING OFFICE,  
OFFICE OF SUPERINTENDENT OF DOCUMENTS,  
UNION BUILDING,  
Washington, D. C., May 4, 1900.

DEAR MR. HOWE: I send herewith my reply to the request of the chairman of the committee. I have necessarily had to make it out hurriedly and hope you will excuse any errors or omissions.

Very truly, yours,

L. C. FERRELL, *Superintendent.*

Mr. ALBERT H. HOWE,  
*Clerk Committee on Printing, United States Senate.*

GOVERNMENT PRINTING OFFICE,  
OFFICE OF SUPERINTENDENT OF DOCUMENTS,  
UNION BUILDING,  
Washington, D. C., May 4, 1900.

Hon. T. C. PLATT,  
*Chairman Committee on Printing, United States Senate.*

DEAR SIR: In response to the following request: "This committee is desirous of receiving from you a statement concerning the distribution of sets of the Messages and Papers of the Presidents, made gratuitously or otherwise by the Government, pursuant to the resolution of April 19, 1900, a copy of which is hereto attached. It is desirable for the purposes of the investigation that this information should be received not later than to-morrow morning, May 4, 1900." I have the honor to submit the following statement concerning the receipt and distribution by this office of the compilation of Messages and Papers of the Presidents.

The compilation was authorized by concurrent resolution of July 27, 1894. Six thousand copies were ordered, 2,000 for the Senate and 4,000 for the House.

The distribution of the first edition of 6,000 copies was provided for by joint resolution approved April 30, 1896 (29 Stat. L., 472). This resolution directed the Public Printer to deliver the same, when printed and ready for distribution, to the superintendent of documents for distribution to persons designated to him by Senators, Representatives,

Delegates of the Fifty-fourth Congress, and certain officers of the two Houses (Secretary and Sergeant-at-Arms of the Senate, Clerk and Doorkeeper of the House). The superintendent of documents was required to deliver the "fraction or remainder" to the compiler.

A second edition of 15,000 copies was ordered for the Fifty-fourth Congress by concurrent resolution of May 22, 1896, to be distributed in the same manner as the first edition.

A third edition of 15,000 copies was ordered for distribution by the Fifty-fifth Congress, by an act approved June 4, 1897, making appropriation for the sundry civil expenses of the Government (30 Stat. L., 62).

These three editions aggregated 36,000 sets of 10 volumes each, being a total of 360,000 books, not including the "usual number" of 1,682 copies.

#### APPORTIONMENT.

The apportionment to members and officers of the two Houses was made as follows:

##### *First edition 6,000 copies.*

[Fifty-fourth Congress.]

Senate 2,000 copies:

To 90 Senators, each 21 copies .....	1,890	
1 Vice-President .....	21	
1 Secretary Senate .....	21	
1 Sergeant-at-Arms .....	21	
	<hr/>	63
Remainder to compiler, 47 copies .....	47	
	<hr/>	2,000

House, 4,000 copies:

To 360 Representatives and Delegates, each 11 copies .....	3,960	
1 Clerk of the House .....	11	
1 Doorkeeper of the House .....	11	
Remainder to compiler .....	18	
	<hr/>	40
	<hr/>	4,000

##### *Second edition, 15,000 copies.*

[Fifty-fourth Congress.]

Senate, 5,000 copies:

To 90 Senators, each 52 copies .....	4,680	
1 Vice-President .....	52	
1 Secretary Senate .....	53	
1 Sergeant-at-Arms .....	53	
90 Senators, one personal set each .....	90	
Remainder to compiler .....	71	
	<hr/>	320
	<hr/>	5,000

House, 10,000 copies:

To 360 Representatives and Delegates, each 26 copies .....	9,360	
1 Clerk .....	27	
1 Doorkeeper .....	27	
360 Representatives and Delegates, each 1 personal copy .....	360	
Remainder to compiler .....	226	
	<hr/>	10,000

*Third edition, 15,000 copies.*

[Fifty-fifth Congress.]

Senate, 5,000 copies:

To 90 Senators, each 52 copies .....	4, 680
1 Vice-President .....	52
1 Secretary .....	53
1 Sergeant-at-Arms .....	53
90 Senators, each one personal set .....	90
Remainder to compiler .....	71
Vice-President, one personal set .....	1
	— 320
	5, 000

House, 10,000 copies:

To 360 Representatives and Delegates, each 26 copies .....	9, 360
1 Clerk .....	27
1 Doorkeeper .....	27
360 Representatives and Delegates, 1 personal set each .....	360
Remainder to compiler .....	226
	— 10, 000

From the foregoing statement it appears that there have been placed to the credit of members and officers of the Fifty-fourth and Fifty-fifth Congresses, for personal distribution, a total of 34,439 copies, and to the credit of the compiler 659 copies.

The records of this office show that 32,776 complete sets have been delivered to persons designated by Senators, Representatives, Delegates, and officers in Congress; that 902 complete personal sets have been delivered to Senators, Representatives, Delegates in Congress, and the Vice-President.

It should, perhaps, be noted here that no personal sets were authorized for the officers of the two Houses, and that they were consequently allotted an additional set each for distribution.

No copies of the Messages and Papers of the Presidents were printed specially for sale, the remainders having been given to the compiler. Three hundred and five sets were not disposed of by Members of the Fifty-fourth and Fifty-fifth Congresses and, under the provisions of section 61 of an act approved January 12, 1895, known as the printing act, became available for sale. These copies have been sold from time to time as they became available at the nominal price of \$9, the same being the estimated cost of printing.

I will say a word with reference to the method of distribution.

- Vol. 1 was received May 5, 1896.
- Vol. 2 was received October 14, 1896.
- Vol. 3 was received January 22, 1897.
- Vol. 4 was received May 12, 1897.
- Vol. 5 was received July 28, 1897.
- Vol. 6 was received December 7, 1897.
- Vol. 7 was received April 4, 1898.
- Vol. 8 was received September 22, 1898.
- Vol. 9 was received December 29, 1898.
- Vol. 10 was received July 10, 1899.

On receipt of a designation the practice has been to forward at once by registered mail as many volumes of the set as were ready for distribution. A special letter has been written in each case, stating when and how many volumes of the set were sent, also giving the name of

the Senator, Representative, or Delegate upon whose order the same was sent.

Extreme care has been exercised to insure the prompt and safe delivery of the books to the persons for whom intended. The records of this office show in a moment the date when any volume was sent, also the registry number, thus making it possible to trace and locate any that may have miscarried.

The inclosed card will give an idea of how the record is kept. Before any designations have been made there are placed in the file case under the name of the member as many of these cards, numbered consecutively, as he has sets of the documents to his credit. See upper right hand corner. When a designation is received, card No. 1 is taken out and the name and address of the designee is written in, with date and designation number. The designation number is entered in consecutive order in a book kept for the purpose, and opposite is entered subsequently the date when mailed and the registry number of each volume.

The card is filed in alphabetical order in a case and may thereafter be used for reference and to detect duplications.

More than 5,000 duplications have been reported to members, and about 100 have been allowed by direction of the members making the designations.

I will add that about 400 odd volumes have been returned to this office unclaimed on account of deaths, removals, etc. These are gradually being delivered as we are able to locate the parties. I am now sending a card notice to all designees for the purpose of locating any volumes that have gone astray.

Very respectfully,

L. C. FERRELL,  
*Superintendent.*

[Sample card.]

Smith, Thomas. Card No. 52.  
9000 Broadway,  
New York City.

Designation No. 32777.  
Received May 4, 1900.  
List of Hon. Thomas C. Platt.  
Messages and Papers of the Presidents.

#### ADDITIONAL TESTIMONY OF JAMES D. RICHARDSON.

JAMES D. RICHARDSON, having been previously sworn, was examined and testified further as follows:

Senator ELKINS. I show you a pamphlet issued by the American Historical Association entitled "Public Documents of the Early Congresses," by Gen. A. W. Greeley, U. S. A. I call your attention to Appendix 1, page 1128, where it is stated, "Lists of messages and state papers of Presidents of the United States omitted from the compilation of Hon. J. D. Richardson, Vol. 1, 1789-1817," and ask you what you have to say as to that omission.

Mr. RICHARDSON. I am entirely familiar with the matter to which you call my attention. The messages referred to therein were omitted from the first volume, for a reason which I set forth clearly and distinctly in the prefatory note to the first volume of the work, which is in the following words:



"In executing the commission with which I have been charged I have sought to bring together in the several volumes of the series all Presidential proclamations, addresses, messages, and communications to Congress, excepting those nominating persons to office and those which simply transmit treaties and reports of heads of Departments which contain no recommendation from the Executive. The utmost effort has been made to render the compilation accurate and exhaustive."

That is from the prefatory note in Volume I. My idea was that where a message simply transmitted a report or a letter from the head of a Department—for instance, the Secretary of State or the Secretary of the Treasury—and where the message did not disclose on its face the object or purpose of the communication, it would not be intelligible to print it. Therefore, I deliberately left out the few messages, comparatively few, mentioned in this appendix of General Greeley, to which you refer. But after the first volume was published, and during the preparation of the second volume, I determined to change that policy and to insert in the book in chronological order every message, no matter how short and unintelligible it might be on its face, for the reasons mentioned, and to place editorial footnotes to make intelligible these messages.

I did begin with the second volume to insert all such messages, and through all remaining volumes all such have been inserted. In the tenth volume I went back and published those of that character which should have appeared in Volume I, and indexed them in the proper order in the index, so that there is no inconvenience to anyone who wishes to find one of those messages, because whether they appear in the first volume, where they should have appeared, or in the tenth, they have the proper place in the index, and when you examine the index and find the page referring to the message, it will be found properly paged in the index, although the message itself appears in the tenth volume instead of the first.

As further evidence of this, I will quote what I said in the prefatory note to Volume X exactly upon this subject:

"In pursuance of the plan originally adopted certain papers were omitted from the earlier volumes of this work. Referring to these papers, the following statement occurs in the prefatory note to Volume I:

"In executing the commission with which I have been charged, I have sought to bring together in the several volumes of the series all Presidential proclamations, addresses, messages, and communications to Congress, excepting those nominating persons to office and those which simply transmit treaties and reports of heads of Departments which contain no recommendation from the Executive."

"In the prefatory note to Volume IX the statement was made that this course was a mistake, and 'that the work, to be exhaustive, should comprise every message of the Presidents transmitting reports of heads of Departments and other communications, no matter how brief or unintelligible the papers were in themselves, and that to make them intelligible I should insert editorial footnotes explaining them.' Having acted upon the other idea in making up Volume I and a portion of Volume II, quite a number of such brief papers were intentionally omitted. Being convinced that all the papers of the Executives should be inserted, the plan was modified accordingly, and the endeavor was thereafter made to publish all of them. In order, however, that the compilation may be 'accurate and exhaustive,' I have gone back and collected all the papers—those which should have appeared in Volumes

I and II, as well as such as were unintentionally omitted from the succeeding volumes—excepting those simply making nominations, and shall publish them in an appendix in the last volume. These omitted papers, with editorial footnotes, have been inserted in the appendix and appear in the index in alphabetical order, so that no serious inconvenience will result to the reader.”

I will illustrate this briefly. The messages left out are substantially in words as follows: To the Senate: I transmit to the Senate a communication from the Secretary of State, in answer to Senate resolution of the 10th instant. Signed by the President. This message by itself is unintelligible. I at first determined to omit all such, but, as stated, I changed my mind and published them, and in each case I hunted up these messages and communications in manuscript as they came to Congress, analyzed them, and inserted the footnotes as I have indicated.

I cover all of those in that way by publishing them in the tenth volume and indexing them in the proper place in the index. I make the claim for this work modestly that there is not a message, or a proclamation, or an inaugural address of any of the Presidents from Washington down to date omitted. I may be mistaken in that respect; but if so, after waiting nearly a year since the last volume came out, nobody has ever found a paper which has been omitted.

Senator ELKINS. That you have heard of?

Mr. RICHARDSON. That I have heard of.

The CHAIRMAN. I think that statement is exceedingly clear and explicit.

Senator ELKINS. I call your attention to an article in the New York Sun of April 14:

“When the Hon. James D. Richardson was imploring the Fifty-fifth Congress, on May 11, 1897, to make him a present of a duplicate set of the electrotype plates of this Government publication he was sharply questioned about copyright and the possibility of his setting up a claim to literary and commercial proprietorship in these papers of public record. His answer was brief, but it seemed conclusive at the time. It will be found on page 1032 of the Record, first session Fifty-fifth Congress: ‘You can not copyright a Government publication. The law is explicit.’

“Yet the very next volume of ‘Messages and Papers’ that was issued from the Government Printing Office after the gift of the duplicate plates to the compiler, and likewise all the succeeding volumes of the series, down to and including the tenth and last, bore this legend: ‘Copyright, 1897, by James D. Richardson.’

“We are not referring now to the private edition subsequently put on the market by Richardson in partnership with the scholarly Spofford and the enterprising Barcus. We mean positively that within a few days after the Hon. James D. Richardson had informed Congress that the law prohibited the copyrighting of any Government publication *he began to stamp his alleged copyright upon the books which the Government itself was publishing.* That is to say, he spread a blanket copyright, or an assertion of copyright, over the collected wisdom of the Presidents whose messages and papers he had volunteered to compile for the public benefit.

“The effect of this astonishing proceeding, on the face of it, was to set up a personal claim to commercial proprietorship in the public records he had been allowed to handle in his capacity of member of the House Committee on Printing.

"The law to which Mr. Richardson referred when he announced on May 11, 1897, that he could not possibly copyright a Government publication is contained in section 53 of the public printing act of January 12, 1895:

"The Public Printer shall sell, under such regulations as the Joint Committee on Printing may prescribe, to any person or persons who may apply, additional or duplicate stereotype or electrotype plates from which any Government publication is printed, at a price not to exceed the cost of composition, the metal, and making to the Government, and ten per centum added: *Provided*, That the full amount of the price shall be paid when the order is filed: *And provided further*, That no publication reprinted from such stereotype or electrotype plates, and no other Government publication, shall be copyrighted."

"Now, although this law was not enacted until after Mr. Richardson had procured the passage of the resolution giving him authority to prepare 'House Miscellaneous Document No. 210,' it had been introduced, debated, and reduced to its final form, as above, about one year before the conception of the great Richardsonian enterprise of compilation. *Mr. Richardson was familiar with that law, for he was the author of it.*

"On September 13, 1893, Mr. Richardson explained to the House the provision allowing the Public Printer to sell duplicate plates. This section at that time did not contain the precautionary provision against copyrighting any Government publication. Mr. Richardson said:

"Mr. Chairman, that is a new section. \* \* \* The Government gets the cost of the plates, and if a publication is valuable this provision simply enables the public to get the benefit of it cheaply. The Government has no copyright on these books, and if the literature is valuable it ought to be disseminated as cheaply as possible among the people."

\* \* \*  
 "Mr. DINGLEY. I offer an amendment to the section as originally reported: "And provided further, That no publication reprinted from such stereotype or electrotype plates shall be copyrighted."

\* \* \*  
 "Mr. RICHARDSON. I think the amendment of the gentleman from Maine is in order and is in the right line. *I do not believe Government publications can be copyrighted by anyone.*

"And again:

"Mr. RICHARDSON. If the publication is valuable, and the information contained is useful to the people, why not let people have it? Who is to be hurt by it? *I would not be in favor of making it a monopoly, or of selling it to one person, or allowing him to copyright it and put his own price upon it.*

"Even after these declarations from the chairman of the House Committee on Printing, Mr. Dingley, himself an old printer and publisher, persisted in safeguarding the privilege still further against abuse by the monopoly of copyright:

"Mr. DINGLEY. I want to suggest to the chairman of the committee [Mr. Richardson] the propriety of broadening the amendment which I have offered by inserting the words "and no other Government publication," so as to cover the whole field of these publications, not merely such as are reprinted. I make that suggestion to the gentleman from Tennessee who has charge of this bill, and I ask him whether he sees any objection to broadening the amendment in that way."

“Mr. RICHARDSON. I think that is right. *I do not think any Government publication can be copyrighted, and I do not think any has.*”

“Is it a wonder, then, that the alleged copyright which the Hon. James D. Richardson has plastered all over the important Government publication which was intrusted to him at his own request is puzzling to any mind that wants to continue to regard the Hon. James D. Richardson as both an intelligent lawyer and an honorable man?”

You have made an answer, but it is not as explicit as it might be. I think I understand your answer, but you had better make it very full.

The CHAIRMAN. Repetition will not do any harm.

Mr. RICHARDSON. The debate referred to there was a debate which arose over the public printing law, or the law to regulate public printing, as it is called, which passed Congress January 12, 1895. That was pending in Congress through two Congresses. While it was pending the question of copyrighting Government publications arose, and this amendment referred to there was offered by Governor Dingley, and was adopted without any objection from any source.

Senator ELKINS. Accepted by you?

Mr. RICHARDSON. Agreed to by me as proper. The point I had in view was of course that a man could not copyright a Government publication. That is to say, when the Government prints a message, a proclamation, or makes any Government publication of that character, or the report of a committee, or an executive document from the President or any one of the heads of departments, the idea was that such a publication could not be copyrighted and should not be and ought not to be. That was the idea in my mind.

I was not of course anticipating any compilation of documents with editorial notes or with original matter such as I have inserted all through this publication and compilation and in the index. Where I speak at that time about copyrighting a publication, it relates to the copyrighting of any message, proclamation, or similar document, such as I have described. I did not have in view and could not have had in view the copyrighting of a compilation such as we have before us here; and while I should say now and said in my original testimony that a Government publication can not be copyrighted, I do not think that that applies to my compilation of documents, with the additions I have made, which have been fully described, and with the pictures which are not a part of the Government publication and do not appear therein.

The CHAIRMAN. You had better describe those pictures.

Mr. RICHARDSON. I refer to the pictures of the Presidents and of the public buildings, all illustrations which appear in the edition which Mr. Barcus is selling. I think that covers it.

Senator ELKINS. State a little more explicitly than you did before what led you to put the word “Copyright” in the Government publication? That is what we want to know. Senators ask that question. What led you to put into the first volume the word “Copyright?” If a Government publication can not be copyrighted, why did you let that word appear on the Government edition?

Mr. RICHARDSON. It was simply to protect, so far as it might, the compilation of my own which was being put upon sale. My opinion of the law as to copyrighting is this: That if one puts out a publication without claiming in the first place that it is copyrighted, it is the dedication or the donation of it to the public at large, and in order that

everybody might be put on notice, and not seeing that anybody on earth could be hurt by it, I simply took the earliest opportunity, after I had determined to copyright it, to give notice in every issue of that publication that it was to be copyrighted.

Senator ELKINS. Even on the Government publication?

Mr. RICHARDSON. On the Government publication, because that was being issued and distributed. It was not with a view of asserting any copyright against the Government, or any interference with the Government in printing as many as it might see fit to print. It was simply a safeguard, that no one could come and say "you have dedicated, by your act, contributing as you did to the compilation of the Government edition without making any claim of copyright." That is the only reason in the world why those lines appear in the Government edition.

Mr. SIEVER. When the act of June 4, 1897, was passed had those plates been struck off yet?

Mr. RICHARDSON. When the act of June 4, 1897, was passed the plates possibly for the first, second, and third volumes had been printed, and of course no copyright appeared upon those first copies, because I had not undertaken to copyright it, but afterwards when the plates were given to me and I had determined to attempt to protect myself by securing a copyright it was put upon the plates in order that it might appear in subsequent editions.

My object was to protect any right I might have in it, and not to have any publisher ever at any time set up a claim that I had abandoned my right to a copyright, or that I had waived any right I might have to a copyright. It was simply a matter of protection.

Senator ELKINS. You put it in as notice?

Mr. RICHARDSON. Yes, sir; to everybody.

The CHAIRMAN. He did more than that. He secured the copyright.

Mr. RICHARDSON. I had secured it already.

Senator ELKINS. On your own edition?

Mr. RICHARDSON. Yes, sir.

The CHAIRMAN. But on the Government edition it was against the law. Still you let it appear?

Mr. RICHARDSON. I did it simply for protection and as a safeguard. I may add that I did it and would do so again, because the Government could not suffer in any possible contingency and no injury could result to anybody in the world thereby. As I said I paid for the copyright myself, and put the notice there in order that I might be able to claim it.

Senator ELKINS. On your own publication?

Mr. RICHARDSON. Yes, sir. I only meant it for my own compilation. I hold in my hand a copy of the New York Sun of April 18, 1900. The words "Copyright, 1900, by the Sun Printing and Publishing Association" appear at the head of the column. I do not suppose they mean by that to assume the exclusive use of any information or speech or article that may appear in the paper.

Mr. BARCUS. It means to copyright such as is copyrightable.

Mr. RICHARDSON. To protect itself on any article that may be copyrightable under the law.

**ADDITIONAL TESTIMONY OF GEORGE W. SIEVER.**

GEORGE W. SIEVER, having been previously sworn, further testified as follows:

Mr. SIEVER. I offer in evidence the rest of this method, so that the committee may use it as it sees fit. It shows the whole method.

The matter referred to is marked as follows:

"10½. Advertising matter.

"11. Leather and paper prospects, stretcher, and autograph book.

"12. Various advertisements run in magazines and newspapers, not including Washington dailies.

"13. Advertisements published in Washington dailies.

"18. Commendatory letters from the public regarding M. and P.

"19. Allotment certificate, index cards, and envelope."

At 12 o'clock and 45 minutes p. m. the committee adjourned until Thursday, May 10, 1900, at 10 o'clock a. m.

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WASHINGTON, D. C., *May 10, 1900.*

The committee met at 10 o'clock a. m.

Present: Senators Platt, of New York (chairman), Elkins, and Jones, of Arkansas; also Rudolph J. Bodmer.

The CHAIRMAN. The treasurer of the Committee on Distribution is present, and if Senators think best we will now hear him.

**TESTIMONY OF RUDOLPH J. BODMER.**

RUDOLPH J. BODMER, being duly sworn, was examined and testified as follows:

The CHAIRMAN. What is your full name?

Mr. BODMER. Rudolph J. Bodmer.

The CHAIRMAN. Where do you live?

Mr. BODMER. Washington, D. C.

The CHAIRMAN. How long have you been a resident of Washington?

Mr. BODMER. Since the 1st of May, 1899.

The CHAIRMAN. You are treasurer of the Committee on Distribution?

Mr. BODMER. Yes, sir; treasurer of the Committee on Distribution.

The CHAIRMAN. What are your duties?

Mr. BODMER. Disbursing the moneys collected.

The CHAIRMAN. And receiving the moneys?

Mr. BODMER. And receiving the moneys.

The CHAIRMAN. Is that your sole and only business?

Mr. BODMER. It is the only business we have. I am general manager. Incidental to my duties I look after the general policy of the business, with the title of treasurer.

The CHAIRMAN. Did you suggest the name "Committee on Distribution?"

Mr. BODMER. It occurred partly to me, originally.

The CHAIRMAN. Have you been in the charge of the business all the way through from the beginning until now?

Mr. BODMER. Yes, sir.

The CHAIRMAN. Are the affairs of the Committee on Distribution directed mainly by you?

Mr. BODMER. Yes, sir.

Senator ELKINS. You take directions and instructions from Mr. Barcus as to the management of the business?

Mr. BODMER. I think I can say that is so. Any innovations we submit to him.

Senator ELKINS. Innovations in policy?

Mr. BODMER. All changes in policy are submitted to Mr. Barcus first, although suggestions may emanate from this office.

Senator ELKINS. How old are you?

Mr. BODMER. Twenty-eight.

Senator ELKINS. Where were you born?

Mr. BODMER. East Saginaw, Mich.

Senator ELKINS. What is your relation to the Committee on Distribution? Are you a partner?

Mr. BODMER. I share in the profits.

Senator ELKINS. Under a contract?

Mr. BODMER. Under a contract with Mr. Barcus.

Senator ELKINS. You get a stated salary and part of the profits?

Mr. BODMER. No salary.

Senator ELKINS. I show you page 33 of the printed testimony taken heretofore, where there is contained a form of a letter issued by the Committee on Distribution. It is a blank form, and Mr. Barcus testified that it was the one used; that it was sent out by the committee.

Mr. BODMER (after examining). That is right.

Senator ELKINS. Was that sent to the agents, or how?

Mr. BODMER. This is sent to the prospective subscriber. I refer to the one lowest down on the page.

Senator ELKINS. The prospective purchaser or subscriber?

Mr. BODMER. Yes, sir.

Senator ELKINS. It says:

I am directed to inform you that your name has been selected by this committee, and Mr. ———, a member, has been assigned to call upon you.

What member did that refer to?

Mr. BODMER. Member of the Committee on Distribution.

Senator ELKINS. A member of the Committee on Distribution? There are only three members to that committee—yourself, Mr. Barcus, and Mr. Hallam, I believe.

Mr. BODMER. Yes; that is right.

Senator ELKINS. One of you three would not —

Mr. BODMER. The agents, as associate members, if you want to use that term. It was merely a term used instead of saying "agent."

Senator ELKINS. Why did you use the word "member?"

Mr. BODMER. To overcome the prejudice against book agents.

Senator ELKINS. When I first read it I thought it referred to a member of Congress, until I looked into it very closely. Did you have that in mind?

Mr. BODMER. Not in the slightest. If one of our men should use a card "John Jones, book agent," and hand it to a man he would not get a hearing.

Senator ELKINS. But really it was not a member of the committee?

Mr. BODMER. Not at all.

Senator ELKINS. But it was an agent who would call on the prospective subscribers?

Mr. BODMER. Yes, sir.

Senator ELKINS. And you used the word "member" to disguise the purpose of the man soliciting subscriptions?

Mr. BODMER. We used the word "member" instead of "agent" or "representative" in order to overcome the prejudice against book agents generally.

Senator ELKINS. That is the explanation of the word "member?"

Mr. BODMER. Yes, sir.

Senator ELKINS. It is a full explanation?

Mr. BODMER. Yes, sir.

Senator ELKINS. But really no member of the committee did call, and it was not in contemplation that he should call?

Mr. BODMER. No, sir.

Senator ELKINS. That is the way I am to understand it?

Mr. BODMER. Yes, sir.

Senator ELKINS. Have you kept up this form until the present?

Mr. BODMER. This one has been changed. Do you mean the title?

Senator ELKINS. I mean the blank letter form which we have just been discussing.

Mr. BODMER. It has been supplemented to make it more explanatory.

Senator ELKINS. In what way has it been changed?

Mr. BODMER (after examining). No; this is all right. I thought this was the first one. It has not been changed, except that Mr. Richardson's and Mr. Spofford's names have been taken from the top of the letter heads.

Senator ELKINS. Mr. Richardson's and Mr. Spofford's names have been removed. Since when?

Mr. BODMER. Mr. Spofford's name was taken off four or five months ago and Mr. Richardson's name, say, four or five weeks ago.

The CHAIRMAN. But you have continued to send out the old blanks with Mr. Spofford's name at the top.

Mr. BODMER. We used the old application blanks, if that is what you mean—

The CHAIRMAN. Yes.

Mr. BODMER. Until the supply was exhausted, and we are now using altogether applications headed with my name.

The CHAIRMAN. How long ago did that cease?

Mr. BODMER. I can not say exactly. It was six weeks ago, or two months—perhaps a little longer, perhaps a little less.

Senator ELKINS. Here is a letter dated May 4, signed by G. N. Porter, clerk. Is that one of the letters authorized by the Committee on Distribution and by yourself?

Mr. BODMER (after examining). Yes, sir; it is.

Senator ELKINS. Let the correspondence appear in the record.

The letters referred to are as follows:

WASHINGTON, D. C., *May 9, 1900.*

The CLERK OF THE COMMITTEE ON PRINTING,

*United States Senate, Washington, D. C.*

DEAR SIR: "The Committee on Distribution" still continue sending out their circulars, as you will see by the inclosed.

Very truly, yours,

WILLIAM E. CURTIS.

NORTH JEFFERSON STREET,  
*Chicago, Ill., May 7, 1900.*

WM. E. CURTIS,  
*Washington Bureau of the Chicago Record,*  
*Washington, D. C.*

DEAR MR. CURTIS: I have read with a good deal of interest your comments upon the publication of the Messages of the Presidents. I inclose herewith a letter which was received this morning referring undoubtedly to the same thing.

Yours, truly,

DOMESTIC ENGINEERING,  
JNO. K. ALLEN, *President.*

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COMMITTEE ON DISTRIBUTION,  
MESSAGES AND PAPERS OF THE PRESIDENTS,  
*Washington, D. C., May 4, 1900.*

MR. J. K. ALLEN, *Chicago, Ill.*

DEAR SIR: I am directed to inform you that your name has been selected by this committee, and Mr. G. V. Lincoln, a member, has been assigned to call upon you and state the details of filing application by which you may secure a set of the most practical of all Government documents.

*Congress authorized the distribution of only a limited number in each Congressional district.* The subscription edition now offered is published under authority of the editor, Congress having voted him a duplicate set of plates for that purpose by act of June 4, 1897.

Knowing that you will appreciate this opportunity, I beg to remain, dear sir,

Yours, faithfully,

G. N. PORTER, *Clerk.*

Senator ELKINS. In one of your forms, on page 80, you say:

The vast expense of gathering together this complete collection of State papers has been borne by the Government, and the volumes are now being distributed at a trifle over the cost of manufacture and distribution.

Mr. Bodmer, is it a fact that on the distribution you were making the expense was borne by the Government?

Mr. BODMER. This says, "gathering together this complete collection of State papers;" gathering the compilation.

Senator ELKINS. The complaint here is that this was misleading. Now, you put out in one of your circulars or letters—it is signed by Mr. Spofford, general secretary—a statement that "the vast expense of gathering together this complete collection of State papers has been borne by the Government." Is that the fact or not? Was it borne by the Government? I refer to the collection you were selling.

Mr. BODMER. The collection we were selling? The cost of the compilation was borne by the Government.

Senator ELKINS. But you do not say that. Is this a fact or not? Have you the statement?

Mr. BODMER. Yes, sir; I have it.

Senator ELKINS. Read that and answer whether or not that is true. Is not that statement a deception with respect to the collection and

compilation you were selling or the Committee on Distribution were selling?

Mr. BODMER. I think it is absolutely true.

Senator ELKINS. Who did the printing?

Mr. BODMER. This does not refer to the printing.

Senator ELKINS. Hold on a moment. Who did the printing; who did the binding; who did the arranging of the papers; who put in the new pictures; who put in the index?

Mr. BODMER. Of course, the printing and the publishing were done by us.

Senator ELKINS. "Done by us," the Committee on Distribution? Was there not an insertion of new matter?

Mr. BODMER. That was all in the Government publication itself. We have nothing different, except the pictures, in our edition.

Senator ELKINS. And the index?

Mr. BODMER. The index is not changed a bit. It is the same that was used in the 36,000 sets printed by the Government itself. The only change is the insertion of the new pictures instead of those from the Bureau of Engraving and Printing.

Senator ELKINS. Was not there some new matter inserted?

Mr. BODMER. None whatever.

Senator ELKINS. I mean in the way of a preface?

Mr. BODMER. None whatever. The only change was the title page, from which we took the imprint of the Government Printing Office at Washington, we having no authority, of course, to use that.

Senator ELKINS. What I wish to get at is this: The statement was calculated to deceive—to make one believe that the Government had borne the expense, when you had borne the expense, of this particular collection, of arranging it, putting it into book form, publishing it, and distributing it. Is not that a fact?

Mr. BODMER. Yes, sir. I can see that this sentence as it reads might be misleading, but there was no intention of any kind to make it so, and this circular has never been used since January, 1899. We only used it once in advertising in New York.

Senator ELKINS. On page 57, quoting from one of your circulars or letters to agents, this language is used:

Besides, there are a great many secret papers in the work. For instance, under Johnson's Administration there are the impeachment papers, which were never made public before and are wonderfully interesting.

Were they in the Government publication or in your addition?

Mr. BODMER. They were in the Government publication and also in ours.

Senator ELKINS. Just the same?

Mr. BODMER. Yes, sir.

Senator ELKINS. It was not different at all?

Mr. BODMER. No, sir.

Senator JONES, of Arkansas. On page 60, in the examination by Senator Elkins, the following occurs:

The Hon. Ainsworth R. Spofford, of the Congressional Library, has accepted the position of general secretary of the committee *appointed to distribute the work*. If a private publisher were to undertake to publish it, even if he could gain access to the Government records, *it would cost not less than a million dollars to produce, and he could not afford to sell it for less than ten dollars per volume*. The Committee on Distribution, however, has undertaken to distribute the work at a trifle over the cost of manufac-

ture and distribution. If it is necessary to increase the price *to meet expenses*, it will be done later, but not on applications received during the present month.

AINSWORTH R. SPOFFORD,  
*General Secretary, Committee on Distribution, Department (1),*  
*Washington, D. C.*

Is that correct, and was it circulated?

Mr. BARCUS. Yes, sir; I think so.

Is that correct?

Mr. BODMER. Yes, sir.

Senator JONES, of Arkansas. Was that circulated?

Mr. BODMER. It was.

Senator JONES, of Arkansas. Under your authority?

Mr. BODMER. Yes, sir.

Senator JONES, of Arkansas. I should be glad if you would explain on what you base the statement that it would cost a million dollars to produce this work.

Mr. BODMER. That phrase is merely used to influence sales.

Senator JONES, of Arkansas. Without regard to its truth?

Mr. BODMER. Without an exact calculation.

Senator JONES, of Arkansas. Was there any calculation at all?

The CHAIRMAN. Was there any other calculation except to deceive and to make money?

Mr. BODMER. I think there was no exact calculation on that.

Senator JONES, of Arkansas. Was there any calculation? You have stated that there was no exact calculation. I should like to know whether there was any calculation.

Mr. BODMER. What I would term a calculation was in the way of the relative knowledge we had of the cost of other books, comparing it with the Century Dictionary, the Encyclopedia Britannica, and taking into consideration the fact that a publisher would find these papers inaccessible.

Senator JONES, of Arkansas. Then your letter stated that. The Committee on Distribution, however, has undertaken to distribute the work at a trifle over the cost of manufacture and distribution. That is, \$34 for one and \$24 for another edition.

Mr. BODMER. Yes, sir.

Senator JONES, of Arkansas. I understand that the Government Printer reports to this committee, in reference to the proposition to reprint this work, that 30,000 copies will cost the Government \$188,000, which would be a little over \$6 a set?

Mr. BODMER. That is right.

Senator JONES, of Arkansas. Do you think this statement of yours, that it is a trifle over the cost of manufacture and distribution, when you charge \$24 and \$34, respectively, is correct?

Mr. BODMER. I think so.

Senator JONES, of Arkansas. Then you do not, in that statement, make a very accurate calculation of what the word "trifle" means?

Mr. BODMER. It is a matter that depends upon the ultimate profits. The great expense in selling subscription books is not the manufacturing cost.

Senator JONES, of Arkansas. In view of the fact that this work can be printed and bound for a little over \$6 a set, you think you told the truth when you said that the Committee on Distribution proposed to print and distribute the work at a trifle over cost?

Mr. BODMER. A trifle over the cost of manufacture and distribution; that is, manufacturing and selling.

Senator JONES, of Arkansas. Do you think you stated the truth when you made that statement?

Mr. BODMER. Yes, sir.

Senator JONES, of Arkansas. In the next paragraph there is another suggestion to which I hardly think it necessary to call attention, but still I will.

If it is necessary to increase the price *to meet expenses* it will be done later.

Was there at any time any contemplation of increasing prices or any belief that there was any reason for increasing prices above \$24 and \$34?

Mr. BODMER. Yes, sir; there was.

Senator JONES, of Arkansas. Based on what?

Mr. BODMER. Principally on the fact that we could sell the book for more money.

Senator JONES, of Arkansas. We know here, from the report of the Government Printing Office, what the cost of manufacture is, and we know the margin between that and what you are selling the work at. The only element of uncertainty is the cost of distribution. I should like to have you explain what that is in this case.

Mr. BODMER. There are agents' commissions, agents, traveling expenses, cost of collections, the cost of writing our circular letter, and the very great loss in connection with the business which must be provided for.

Senator JONES, of Arkansas. Do you mean the cost of collecting the money?

Mr. BODMER. Yes, sir.

Senator JONES, of Arkansas. What constitutes the losses in connection with the business?

Mr. BODMER. They are from 15 to 25 per cent of the entire sales.

Senator JONES, of Arkansas. Why; how; loss in what?

Mr. BODMER. People failing to meet their installment accounts.

Senator JONES, of Arkansas. After you have sold the books?

Mr. BODMER. Yes, sir; after we have sold the books. When they are in condition where they can not pay for them we have bad sets of books on our hands, and it does not pay sometimes to pay transportation charges to get them back.

Senator JONES, of Arkansas. How many sets of books have you sold and delivered to customers for which you can not get the money?

Mr. BODMER. That we can not tell. We have taken a great many back.

Senator JONES, of Arkansas. The cost of commissions you have already stated. The expenses of agents, of course, would have to be approximated. How about the cost of collections? You certainly know what that is.

Mr. BODMER. It averages from 10 to 15 per cent.

Senator JONES, of Arkansas. It averages 10 or 15 per cent?

Mr. BODMER. Fifteen per cent you must count on.

Senator JONES, of Arkansas. The cost of collecting the money when it is paid in cash is nothing?

Mr. BODMER. We do not sell them all for cash.

Senator JONES, of Arkansas. I understand; but as to those which you do sell for cash it costs you nothing?

Mr. BODMER. Not at all.

Senator JONES, of Arkansas. And as to those who pay without litigation, it costs you nothing?

Mr. BODMER. We have to send out our notices, and on those accounts it runs about 15 per cent each month; and then there is the cost of our office force, etc.

Senator JONES, of Arkansas. The cost of writing circulars is one of the items of expense given. What is that?

Mr. BODMER. That is the initial letter which we write to the prospective subscriber.

Senator JONES, of Arkansas. Is that very expensive?

Mr. BODMER. It cost us—

Senator JONES, of Arkansas. You have them printed?

Mr. BODMER. No, sir; we write each one singly and sign each one separately.

Senator JONES, of Arkansas. The forms which you have brought here are not used in cases of that sort?

Mr. BODMER. They are used, but always copied exact. We do not have a prepared circular letter. We write each one individually.

Senator JONES, of Arkansas. You do not use typewriters?

Mr. BODMER. It is a typewritten letter.

Senator JONES, of Arkansas. That expense consists simply in having typewritten copies of a form which you have in your office?

Mr. BODMER. Yes, sir; and the postage and stationery in connection therewith.

Senator JONES, of Arkansas. I believe you explained about the loss in business. That is another item you gave.

Mr. BODMER. The loss is 15 to 25 per cent shrinkage.

Senator JONES, of Arkansas. Fifteen to 25 per cent?

Mr. BODMER. Yes, sir.

Senator JONES, of Arkansas. You have 10 or 15 per cent losses on collections?

Mr. BODMER. That is cost of collections.

Senator JONES, of Arkansas. Well, cost of collections. Then the writing of the circulars and the expense of commissions, and so on, are all added to that?

Mr. BODMER. Yes, sir; that is right.

Senator JONES, of Arkansas. You have not, in this statement, mentioned anything about the cost of advertising.

Mr. BODMER. The written circulars would take the place of the advertising item here. When we abandoned practically all the newspaper advertising—we called that our advertising account.

The CHAIRMAN. Are you doing any advertising now?

Mr. BODMER. No, sir; not in magazines or newspapers.

Senator JONES, of Arkansas. Did Mr. Spofford sign this paper?

Mr. BODMER. Do you refer to the paper on page 60?

Senator JONES, of Arkansas. Yes.

Mr. BODMER. That is a printed advertisement.

Senator JONES, of Arkansas. Did he authorize his name put to it, or did you put it to it without authority?

Mr. BODMER. He authorized the use of his name.

The CHAIRMAN. Senator, have you read Mr. Spofford's testimony?

Senator JONES, of Arkansas. Not all of it. I was interrupted when I was reading it this morning.

The CHAIRMAN. Mr. Spofford practically admitted that these papers were all issued with his approval and authority, and in most cases after examination by him. They were submitted to him.

Senator JONES, of Arkansas. Who prepared this "Suggestions to agents," appearing on pages 57, 58, and 59? Was it done by you or under your direction?

Mr. BODMER. It was done in Washington when it was a branch office. My office was in New York at that time.

Senator JONES, of Arkansas. Was it done under your supervision?

Mr. BODMER. No, sir.

Senator JONES, of Arkansas. Was it done without your knowledge or consent?

Mr. BODMER. Yes, sir; and it was printed before it was submitted to me.

Senator JONES, of Arkansas. How long would you say it was used?

Mr. BODMER. I think they were all out of use within thirty days after they were printed.

Senator JONES, of Arkansas. Had they all been sent out?

Mr. BODMER. As soon as it was called to my attention I saw the error in it and asked that it be suppressed.

Senator JONES, of Arkansas. Was there any large number of them on hand at the time?

Mr. BODMER. There were a thousand in all printed, and we destroyed them.

Senator JONES, of Arkansas. How many?

Mr. BODMER. A thousand in all.

Senator JONES, of Arkansas. I thought you had your printing done in hundred thousand lots.

Mr. BODMER. It was not for general distribution. It was merely supposed to be for the use of agents.

Senator JONES, of Arkansas. How many of that thousand were used in instructions sent to agents?

Mr. BODMER. I can not tell you exactly. I think at that time we had 25 agents. We did not send out more than——

Senator JONES, of Arkansas. Who prepared this paper?

Mr. BODMER. It was prepared by Mr. Hallam.

Senator JONES, of Arkansas. Is Mr. Hallam still connected with the enterprise?

Mr. BODMER. Yes, sir.

Senator ELKINS. I call your attention to the blank form appearing on page 57, instructions to agents, where this statement appears:

I am assisting in the distribution of a Government work.

Do you notice that?

Mr. BODMER. Yes, sir.

Senator ELKINS. Was that compilation a Government work?

Mr. BODMER. Yes, sir.

Senator ELKINS. How do you make it? It belonged to the Committee on Distribution.

Mr. BODMER. I do not know whether I can explain in a technical way my understanding of it.

Senator ELKINS. You say here and you admit that this paper went out by authority of the committee and by your authority.

Mr. BODMER. That was the one I said was got out without my knowledge.

Senator ELKINS. Without your knowledge?

Mr. BODMER. Yes, sir.

Senator ELKINS. Who got it up?

Mr. BODMER. It was done by the Washington office when it was a branch office.

Senator JONES, of Arkansas. He said Mr. Hallam got it up.

Senator ELKINS. How many of these went out?

Mr. BODMER. About twenty-five or thirty. I do not know exactly how many agents we had, but I do not think we had more than twenty-five or thirty agents, because we were not doing a large business at that time. Of course they were only supplied to the men who were working for us.

Senator ELKINS. This states that "the plates and editing cost over \$1,000,000." The plates cost you 75 cents royalty for the whole set.

Mr. BODMER. That is another reason why it was suppressed.

Senator ELKINS. And the simple editing did not cost you anything, because Mr. Richardson turned over the plates, which had the matter on them. The correction of proofs or the editing after the matter was printed could not cost any such sum.

Mr. BODMER. There was no editing after the work was completed.

Senator ELKINS. You say "the plates and editing cost over \$1,000,000." That does not refer to printing and binding and distributing, but to these two items. The plates, we know, cost your company 75 cents royalty per set.

Mr. BODMER. It was meant to refer to what it originally cost the Government.

Senator ELKINS. What it originally cost the Government? You were speaking for yourselves, for the Committee on Distribution, were you not?

Mr. BODMER. We go on further to say that the plates we have are the duplicate plates.

Senator ELKINS. I know you do, but you are not speaking for the Government. You had no right to speak for the Government or what it cost the Government.

Mr. BODMER. No, sir.

Senator ELKINS. You left the impression there by this language that the plates and the editing alone cost your company, the Committee on Distribution, over \$1,000,000. That is not true in any respect.

Mr. BODMER. No, sir.

Senator ELKINS. Turn to page 51, where there is a letter set forth. Did you receive complaints from time to time that this work was being represented as a Government work, issued by the authority of the Government (I refer to the compilation that you, the Committee on Distribution, were selling), when it turned out that it was not and that people felt they were imposed upon? Did you get letters of that kind?

Mr. BODMER. Yes, sir; we have had complaints of that kind.

Senator ELKINS. What answer did you make at that time to those letters?

Mr. BODMER. We always took up each case specifically and stated frankly always that it was a private enterprise.

Senator ELKINS. Did you authorize your agents to say at any time that Mr. Richardson, a member of Congress, has been authorized to make this distribution?

Mr. BODMER. No, sir; not in those words.

Senator ELKINS. How did you arrange it?

Mr. BODMER. We said the subscription edition——

Senator ELKINS. Hold on a minute. The complaints which have reached the chairman of the committee and us and other members of Congress are to the effect that you published and your agents represented and were instructed to represent that Mr. Richardson, who was a member of Congress, was authorized to make this particular distribution through the Committee on Distribution. That was with your knowledge, was it not?

Mr. BODMER. No, sir.

Senator ELKINS. How did it get out? It is complained of so often that it must be a fact.

Mr. BODMER. We represent and instruct our agents—and I think in that way there comes a confusion in the minds of the customers—that this edition is published under authority of the editor, conferred upon him by Congress, which is in exact accordance with the fact.

Senator ELKINS. A charge is made in one of these letters in the following language:

It is represented that one J. D. Richardson, a member of Congress, has been authorized by Congress to make this distribution.

Is it a fact that your people did make such a statement? This comes from a reputable man.

Mr. BODMER. It is likely to be a fact that that agent has given the wrong impression there, but not by our authority in any sense.

Senator ELKINS. Would any agent be likely to say that a member of Congress had been authorized by Congress to make the distribution without the Committee on Distribution telling him to do so, especially with respect to so prominent a member as Mr. Richardson?

Mr. BODMER. An agent occasionally will do that in the face of instructions to the contrary.

Senator ELKINS. Occasionally; but this is a definite and distinct charge.

Mr. BODMER. I understand.

Senator ELKINS. I want you to meet it one way or the other.

Mr. BODMER. I think the agent probably told the man that.

Senator ELKINS. How could an agent get that into his head; did he not do it with your consent?

Mr. BODMER. No, sir.

Senator ELKINS. And under some verbal or written instructions from you?

Mr. BODMER. No, sir.

Senator ELKINS. What did you say to the agent when it came to your knowledge?

Mr. BODMER. We discipline them. We try to make good agents out of them if we can, and if we can not we discharge them.

Senator ELKINS. Did you discharge any of them for making this particular statement?

Mr. BODMER. Yes, sir.

Senator ELKINS. It has been testified that House paper was used when the Committee on Distribution first went into operation or when Mr. Barcus first entered into the business. How long was House of Representative paper used by your committee?

Mr. BODMER. It was not used at all with authority.

Senator ELKINS. It was never used by authority?

Mr. BODMER. No, sir.

Senator ELKINS. How long was it used without authority?

Mr. BODMER. The only case where I found it had been used was in connection with some instructions to agents. I will say perhaps a dozen of them went out.

Senator ELKINS. Only a dozen?

Mr. BODMER. I do not know how many. It also was done by the Washington office when my office was in New York, and as soon as I saw them I gave immediate orders that they be called in, and I followed it up until, to the best of my knowledge and belief, all were returned to us but one.

Senator ELKINS. The Committee on Distribution is composed of three members—yourself, Mr. Hallam, and Mr. Barcus?

Mr. BODMER. Yes, sir.

Senator ELKINS. Mr. Barcus is the Committee on Distribution, and you two participate only in the profits?

Mr. BODMER. Yes, sir; by contract.

Senator ELKINS. You do not share in the losses, if there are any?

Mr. BODMER. No, sir.

Senator ELKINS. Is your interest one-tenth, or one-fifteenth, or one-twentieth? I do not want to ask you what you get out of it.

Mr. BODMER. I have a third interest in the profits.

Senator ELKINS. A full third interest in the profits?

Mr. BODMER. If the committee would allow, I should like not to have that published. I will accede to the wishes of the committee however.

Senator ELKINS. I will submit it to the chairman.

The CHAIRMAN. I think, inasmuch as you have asked the question, it had better appear of record. We do not want to suppress anything.

Senator ELKINS. You have a third interest in the profits, and Mr. Hallam has what interest?

Mr. BODMER. Mr. Hallam has a royalty on each sale.

Senator ELKINS. He has no interest in the profits?

Mr. BODMER. He does not have to wait for his profits.

Senator ELKINS. The fact is that he gets only a royalty, while you get a share in the profits?

Mr. BODMER. Yes, sir; that is right.

Senator ELKINS. Only you and Mr. Barcus really share the profits.

Mr. Barcus gets two-thirds and you get one-third?

Mr. BODMER. There is only a difference in the kind of a contract between Mr. Hallam and Mr. Barcus and myself and Mr. Barcus.

Senator ELKINS. Mr. Barcus gets two-thirds of the profits and you get one-third, after paying Mr. Hallam his royalty and paying all other expenses?

Mr. BODMER. Yes, sir.

Senator JONES, of Arkansas. Mr. Hallam gets a royalty? Explain that.

Senator ELKINS. Yes; he says Mr. Hallam gets a royalty. What kind of a royalty is it?

Mr. BODMER. It is an agent's commission as sales manager of the business.

Senator ELKINS. That really reduces it to two. The ownership is in Mr. Barcus.

Mr. BODMER. Yes, sir.

Senator ELKINS. You are a partner to the extent of one-third of the profits?

Mr. BODMER. Yes, sir.

Senator ELKINS. And Mr. Barcus gets two-thirds?

Mr. BODMER. Yes, sir.

Senator ELKINS. And Mr. Hallam is a paid agent?

Mr. BODMER. Yes, sir.

Senator JONES, of Arkansas. There appear on page 59 what purport to be instructions to agents. Was that paper sent out by your authority?

Mr. BODMER. That is a part of the same circular which was suppressed.

Senator JONES, of Arkansas. I do not see it on page 57. Can you show it to me?

Mr. BODMER. Those are extracts from that circular.

Senator JONES, of Arkansas. Show it to me on page 57, if it is an extract from that paper. It seems like a new one.

Mr. BODMER. You will understand that there were two instructions in the same pamphlet.

Senator JONES, of Arkansas. This was in the same pamphlet?

Mr. BODMER. Yes, sir.

Senator JONES, of Arkansas. Issued by Mr. Hallam and not by you?

Mr. BODMER. Yes, sir.

Senator JONES, of Arkansas. It appears that Mr. Hallam directed his agents to make this sort of a statement to the man he is talking to.

"The Government issued enough sets of the work to supply the public officials and the members of the Senate and House. \* \* \* From the limited Government edition press indorsements there grew a tremendous demand for the work. It came through the local Congressmen and direct to Washington. Well, Mr. ———, *after careful deliberation on the matter, they decided to overstep the very rigid rules which govern such things and issue a franchise on the plates, under restrictions, to a committee especially appointed to furnish those of our citizens who desire it with the work at the bare cost of production and getting it to you.*

That was issued by Mr. Hallam's authority?

Mr. BODMER. Yes, sir; without authority from us.

Senator JONES, of Arkansas. Without authority from you and Mr. Barcus.

Mr. BODMER. Yes, sir.

The CHAIRMAN. Let me ask a question. Who is A. B. Humphrey? What is his position in connection with the business?

Mr. BODMER. He is special manager for us. He was in charge of the New York office and also the Washington office for a while. He is now engaged by us in a special capacity to visit our several offices.

The CHAIRMAN. As a sort of supervising man?

Mr. BODMER. A minute man, we call him.

The CHAIRMAN. A sort of inspector.

Mr. BODMER. He is not what we call an inspector. That term is not used in our business. I think that would be the same relative position in some other companies.

The CHAIRMAN. Is he a partner?

Mr. BODMER. No, sir.

The CHAIRMAN. An employee?

Mr. BODMER. Yes, sir.

Senator JONES, of Arkansas. When was it that Mr. Spofford objected

to the style and name "Committee on Distribution?" He says in his testimony that he did object to it.

Mr. BODMER. I think it was in May or June, 1899, that the first suggestion of annoyance came.

The CHAIRMAN. Mr. Spofford answered that question. He said:

Very soon after I entered into the agreement with Mr. Barcus I wrote him a letter in some detail, objecting to the further use of the term "Committee on Distribution," and I proposed another term—the "Bureau of Circulation." I proposed the use of the term "Bureau of Circulation" instead of the term "Committee on Distribution."

His reply was that that was very objectionable and would lead to serious business losses, in his judgment; that the term had become, in a manner, a valuable trademark or trade designation, and the interest of the publishing enterprise would be seriously injured by its withdrawal.

Then we had an interview at one time. I still objected to it, and he still held on to the term as something very valuable, and I finally had to say if it were not withdrawn at some time I should have to resign. I did not wish to have my name as an officer of Congress in any manner drawn into discredit by connection with a publishing enterprise which was objected to by Senators and Representatives; but I still continued under a general statement that he would endeavor to make it satisfactory.

The CHAIRMAN. About what time was this?

Mr. SPOFFORD. As nearly as I can remember, it was in the early summer of 1899, about one year after I signed the contract and the business had gone on. I could, by referring to some letters, give you the exact date, but I can not from memory.

Senator JONES, of Arkansas. I had not noticed that. Somewhere in this statement—I read it and have been trying to find it—an allegation is made that either you instructed your agents to say or that your agents had stated that there would be no further publication of this work by the Government. Do you remember where that is?

Mr. BODMER. I have not looked over this testimony.

Senator JONES, of Arkansas. Did you ever give instructions to your agents to make any such statement?

Mr. BODMER. No, sir.

Senator JONES, of Arkansas. Did any of them, in fact, make this statement?

Mr. BODMER. We have had that complaint made occasionally by subscribers. May I be permitted to say a word?

The CHAIRMAN. Certainly.

Mr. BODMER. I have looked up the matter in connection with the letter of Mr. Arthur A. Smith, published on page 49 of the testimony, and I find that he subscribed by mail; that he answered one of our advertisements, and asked if we would let him pay \$3 down—that was in June, 1899—and if we would hold the books for him until January 1, 1900, and let him pay \$3 a month.

Senator JONES, of Arkansas. He was impressed with the idea that it was the last chance.

Mr. BODMER. He said in his letter that he liked the books; that he was buying the Century Dictionary and two or three others, and could not pay for them at once, and that the publishers of the Century Dictionary had told him that the next book he ought to buy was the Messages and Papers, and that is why he was buying it.

The CHAIRMAN. Who told him this?

Mr. BODMER. One of the agents for the Century Dictionary. He had evidently sold him the Century Dictionary. He said it was on the strength of their recommendation that he bought our book. I should like to offer in evidence the original letters.

The letters referred to are as follows:

THE PENNSYLVANIA STEEL COMPANY,  
OFFICE OF PRESIDENT,  
*Steelton, Pa., November 30, 1898.*

SIR: In McClure's Magazine, page 7, December number, is found a reference to "Messages and Papers of the Presidents," etc. If you will kindly favor me with full particulars concerning this work, I shall be under many obligations. Herewith inclosed please find \$1, for which please lay aside a set of the books in question, pending further examination, etc.

Very respectfully,

ARTHUR A. SMITH.

HON. AINSWORTH R. SPOFFORD,  
*General Secretary Committee on Distribution,  
Department I, Washington, D. C.*

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THE PENNSYLVANIA STEEL COMPANY,  
OFFICE OF PRESIDENT,  
*Steelton, Pa., June 24, 1899.*

DEAR SIR: I am in receipt of your favor of the 20th instant. The papers you have sent me concerning the "Messages and Papers of the Presidents" have been carefully read and kept in mind. I have not felt quite able to order this work and pay for it, hence have remained silent upon the subject thus far. It so happens that within a year I have bought two rather expensive sets of histories, and also am now buying the Century Dictionary, and the truth is I have about reached my limit for the time being. I would like to have the work you offer, for I think I can understand its value, although I have not had an opportunity to examine it, but the "Century" people told me it is a good thing and should be in the hands of everyone who can afford it. Now, let me tell you what I can and would like to do. I will send you \$3 at once, after hearing from you favorably, if you will put to one side a set of these books, to be delivered to me after January 1, next, and beginning January, 1900, will pay you \$3 per month until the obligation is met. I would respectfully refer you to Mr. Frank Tenney, assistant to president of this company. I have served these people for about fourteen years, and they know whether I pay my bills or not, and whether I am in the habit of making contracts I can not execute. In my youth I was a pupil of the late Henry C. Spencer, of your city. Mr. Spencer always spoke for me when occasion required, during his lifetime, but now that he has *fallen asleep*, I would suggest that you call upon Mrs. Sara J. Spencer. She was my friend and guide in childhood, and her interest and faith in me have never since ceased. I shall be pleased to hear from you.

Yours, truly,

ARTHUR A. SMITH.

HON. AINSWORTH R. SPOFFORD,  
*Secretary Committee on Distribution, Washington, D. C.*

THE PENNSYLVANIA STEEL COMPANY,  
OFFICE OF PRESIDENT,  
*Steelton, Pa., July 3, 1899.*

DEAR SIR: Absence from home has prevented an earlier reply to your valued favor of the 27th ultimo. I beg to inclose herewith \$3 (Check No. 228 on the Steelton National Bank), and would respectfully request, as suggested in your letter, that a set of Messages and Papers of the Presidents be put aside for me for delivery after January 1 next. I shall be able to take the books then, as agreed, and take this opportunity to thank you for your kind consideration in the matter.

I am, dear sir, yours, truly,

ARTHUR A. SMITH.

Mr. RUDOLPH J. BODMER,

*Treasurer, Committee on Distribution, Washington, D. C.*

### APPLICATION BLANK.

AINSWORTH R. SPOFFORD,  
*General Secretary,*  
*Committee on Distribution,*  
WASHINGTON, D. C.

STEELTON, PA., 7/3, 1899.

[Dummy.]

[3 per mo.]

[D 2415.]

DEAR SIR: Please have delivered to me one set of Messages and Papers of the Presidents, in ten volumes, bound in half morocco de luxe (limited), printed from Government plates and authorized by Congress, for which I agree to pay \$34.00. I inclose \$4.00 as first payment, and will pay the balance in..... monthly payments of like amount to R. J. Bodmer, treasurer of the committee on distribution.

Send books by.....

Paid on account, \$4.00.

Name, Arthur A. Smith.

Deliver books about Jany. 1st,  
1900.

Bus. address, Penna. Steel Co.

Accepted for the committee.

Residence, Steelton, Pa.

Mail.

Subcommittee No.....

Occupation .....

In case the limited half morocco edition is entirely subscribed for before this application is received, the committee may fill the application with cloth-bound set by refunding the difference in price, or may refund entire amount, at option of subscriber.

Reference  
Address

THE PENNSYLVANIA STEEL COMPANY,  
OFFICE OF PRESIDENT,  
*Steelton, Pa., April 17, 1900.*

DEAR SIR: Referring to the "Messages and Papers of the Presidents," which you sold me, would say that within a few days I have heard and seen so much about the way in which these books were put upon the market and sold, and I am inclined to think there is something wrong somewhere, and as I now view the situation, I think I have already paid double the price of the books; I have paid you \$20. Please do not draw on me for any further amounts, as I will not honor

your drafts. Until some satisfactory conclusion is reached, I shall make no further payments.

Yours, truly,

ARTHUR A. SMITH.

R. J. BODMER,

*Treasurer Committee on Distribution, Washington, D. C.*

The CHAIRMAN. Where are the letters dated?

Mr. BODMER. Steelton, Pa. He is stenographer for the Pennsylvania Steel Company. He wrote me he had been stenographer for them for fourteen years and referred me to somebody here in Washington as to his reputation for keeping his promises.

At 11 o'clock and 45 minutes a. m. the committee adjourned.

*Letter from Hon. Wm. E. Chandler.*

UNITED STATES SENATE,  
*Washington, D. C., May 22, 1900.*

Hon. T. C. PLATT,  
*Chairman, Committee on Printing.*

SIR: I hand to you three documents, two of them printed, but in type like the type of the typewriting machine, and the third apparently written on a typewriting machine. The first headed "Suggestions on How to Distribute Government Documents" is marked in the left-hand corner of each sheet at the bottom from A-1 to A-5, inclusive. The second headed "The Name 'Messages and Papers' Gives the Impression of Too Dry" is marked from C-1 to C-9, inclusive; and the third, on one sheet, is headed "Suggestions as to How To Get Checks with the Application."

These three documents apparently vary in some respects from those you have already printed in the testimony, and I therefore request that you will print these in the testimony in connection with this letter.

Respectfully,

WM. E. CHANDLER.

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#### **SUGGESTIONS ON HOW TO DISTRIBUTE GOVERNMENT DOCUMENTS.**

"Is this Mr. Blank? Mr. Blank, of Washington, is my name. May I have three minutes of your undivided attention?"

"I am assisting in the distribution of Government documents.

"The one which we are handling at the present time is the one authorized by Congress in 1894. I presume that you know that in August, 1894, Congress passed a resolution requesting Hon. James D. Richardson, Congressman from Tennessee, to begin the compilation of all the official documents which have passed between Congress and the 24 different Presidents. A few days later the Senate, in order to keep abreast of the times, removed the injunction of secrecy from all the secret executive orders, which, up to that time had never been printed.

"The Joint Committee on Printing also decided to include the executive part of the diplomatic correspondence." (As you hold up three fingers, say) "Three different classes of official papers, you see, and yet they make a harmonious whole. As one educator said, 'They really make a national literary monument.' If you grasp the whole idea, that is a pretty big statement, but true nevertheless.

"It is the most expensive and important work ever undertaken by the Government, or anyone else, for that matter. It cost Congress over \$10 per volume for the first edition of 6,000 sets. I suppose you know the Government issued enough of these to supply the Government officials, the members of the House and Senate.

"From the distribution of this limited edition, and the unlimited amount of favorable criticism from all the national papers and magazines, there grew a tremendous demand for the work. People saw it in the libraries of their friends here and there, and wanted to know why they couldn't have a set, too. The result was that Congress in general, and Mr. Richardson, the editor, in particular, were snowed under, so to speak, with applications asking, 'Where can we get a set of this publication?'

"Recognizing its value as an educator and wishing to meet this extraordinary demand from the people, Congress at first thought to distribute it free, but they soon found, as some one remarked, that 'it would cost like another war,' and you know they had one war on hand at that time, so they decided to do the next best thing.

"They called a specialist and asked him to figure how many sets could be printed from the original plates before they were worn out, and how much per volume it would cost to pay for the paper and binding, now that the plates had already been paid for.

"Taking these figures as a basis, and in connection with their order to print another edition, Congress directed that Mr. Richardson should have access to the necessary plates and authorized him to manufacture whatever number he thought necessary in order to make the allotments for the various Congressional districts equitable. The committee has therefore concluded, under restrictions, to distribute the whole edition pro rata among all the Congressional districts from Maine to California, and subdivide it for each county and township as per the number of voters in each town. I guess you see the plan. Now, there are just — sets for this township, and here are my credentials and orders." (Hand him your letter of allotment and give him time to read it carefully. Watch him closely, and as he is finishing and you take the letter back say:) "You see there are only — sets that can be secured for this place, but there were — names sent to me from Washington with the orders, and I have the responsible duty of picking out the — who are most worthy to secure them.

"After talking the matter over with several responsible people here, we have decided to give you an option on a set. But now, Mr. Blank, I don't want you to feel the least bit under obligations to apply for a set, as there will be more people who want it than will be able to get it. Our aim, however, is to secure applications only from those who are responsible and who are broad minded enough to appreciate a really good thing when they see it.

"To possess this valuable set, Mr. Blank, means practically an opportunity for you to take the President's easy chair at the White House." Laugh and say: "Of course there is no salary connected with it, but from that point of view you scan the entire progress and see everything that has happened of any importance from the inauguration of Washington down to the present time. In fact, the last volume has just been completed, having been held back from the Government printers in order to include McKinley's last messages and the ratification of the treaty of peace with Spain. So you see it is right up to date as well as authentic.

"To give you a further idea of the work, Mr. Blank, I might state that it sets forth from the higher point of view the progress and development of all our American institutions, embracing every phase of our educational, social, economic, religious, and political life, all of our

commerce and industries, such as mining, manufacturing, transportation, insurance, banking, agriculture, invention, and a hundred other such things." (Be sure to mention the profession or trade to which he belongs.)

"Our relations with foreign lands and peoples are here crystallized in the diplomatic correspondence of our Chief Executives. The story of our wars, their causes, hardships, and results are here vividly told by those upon whom the responsibility for their conduct has fallen. I guess you grasp the idea—it is really the most American of any American publication, and that word 'American' is very properly applied to it."

(If he has not asked for sample pages yet, you might now say) "By the way, I believe I have a few sample pages with me. Of course you won't expect me to be fixed up like a book agent, for the committee is not in the business, but here are a few actual sample pages that I picked up in the committee rooms before I left Washington. I am sure I don't need to say much to you about it, as you are competent to judge of its literary and historical value, as well as its mechanical perfection." (Don't make a long talk here, as you hurry through simply to show him that everything is from the original manuscripts, and the illustrations are official, viz) "You know there is such a thing as an official portrait of each President. By order of Congress they hang in the White House, most of them in private apartments, and unless you are a personal friend of the President you can not see them, but Mr. McKinley, just before he went to Omaha for the exposition last summer, gave the chairman of the committee the privilege of going into the White House with the proper artist and making photogravures from each of the official paintings. They appear here for the first time, and probably the last time, as it was quite a concession, and this is the official work of the Presidents, and naturally the proper place for them to appear. There are 24 of them altogether, but I have but two or three here as samples."

(Mention a few of the most attractive and important documents contained, and their use, and then as you pull the stretcher out and spread it in front of him, say) "There is something that will lend strength and dignity to the best library in this country."

"As Senator Foraker says, 'It ought to be the central sun of the American citizen's library.' And now, Mr. Blank, as I said a moment ago, the price is the best part about it. It comes in this handsome deluxe half-morocco binding, at only three forty, instead of over \$10 per volume, as in the first edition printed by the Government. The reason you can get it now so cheaply is because the Government has already stood the original cost of editing, compiling, and making the plates. You don't even have to pay for the setting up of the type, as it is printed from the Government plates, as I suggested a few minutes ago.

"I think you appreciate this, and here is the certificate that goes with your set. You see it is No. —. You may sign it there, and then the first assistant librarian of Congress, who is also the general secretary of this committee, will sign it below, and the whole thing is pasted into the first volume of your set before it is shipped to you. Just put your autograph down there." (If he signs that, hand him the application blank and have him fill it out.)

## RESERVE TALK.

If he says, "Can't afford it;" "Will have to think it over;" "Not to-day," etc., don't pay any attention to it, but laugh and say something like this: "Now, you are either joking or you don't realize what this is. If it is the latter, it is my fault because I have not told you clearly so that you understood. Why, this is like finding a small fortune, and I guess you would hang onto a nice nugget of gold if you happened to run across it in your path, wouldn't you? Well, let me show you just one point that would be worth a small fortune to you, because I believe you broad minded enough and capable of making use of it.

"Here is a sample page or two of the index. You will notice that there is a concise article on every fact of United States history and everything that ever happened in connection with America, and the peculiar thing about it is that every fact, date, or figure given in any of these articles is actually authorized and verified by Government records. Do you grasp that point? Everything is actually verified by official records. For instance, if it happens to be the description of a battle you are looking up, and you read that 139 people were killed and 217 wounded, you can absolutely depend upon the figures being exact and authentic, and not some historian's guess, or the best information he could get hold of at that time. Do you see? These are facts that are facts. As one educator says, 'A history or encyclopedia is what some one has said about something, but this is the real thing itself.' And then, where the subject is of enough importance you see it gives you the pages all the way through the set (pointing to the stretcher laying in front of him) so that you can find in an instant just what any President has said on any subject, and so on all the way through the entire work. In some cases there is page after page of cross references in that way. Why, it is a marvel in itself and makes the work ten times as valuable as it would be otherwise. Think of the time you will save and the knowledge you will gain!

"You read the newspapers, don't you? You come across lots of things there and in the magazines that you don't exactly understand, or that you would like to know more about. Well, all you will have to do is to turn to this unique index, and you can get what every President has said upon both sides in just a few moments.

"Wait until the next campaign comes along and somebody makes a statement that you don't believe, but can not disprove, and you will turn to this with a good deal of delight and take a joy in meeting the other fellow's arguments with facts that he can't dispute.

"Then think of all the secret papers and diplomatic correspondence which have never been printed before. Why, every page glitters with revelations and surprises. The historians themselves have never seen a great deal of this.

"As one editor in reviewing it said: 'It is the crystallization of American statesmanship and an authority on any national law.' And one Senator added that it contained the original solution of many constantly recurring problems.

"Now, as I said a moment ago, we don't urge anyone to take this work, Mr. B., and our aim is to let no one have it but those who will appreciate it. It is an opportunity where the Government stands two-thirds of the expense and 'you do the rest.' You see I now have only — sets left for this township.

"You appreciate the great value of this work, I guess. Just put your autograph down there on No. —, and I know you will feel better, and the work will be a legacy that you will prize for your entire lifetime, and it will be worth much more to the next generation." (Hand him your pen.)

#### SECOND RESERVE.

If the above does not bring him, and you see there is the least chance, or perhaps a little difference in the terms will suit him, continue something in this style: "Almost everyone expects it to be \$50 or \$75. I guess you did yourself. You must not overlook the fact that a work of this kind is of much greater interest now than it ever has been before. We are just beginning to realize what a wonderful nation we really are, and these topics are questions of daily discussion.

"There is no partiality shown in any portion of this work. It gives you a true idea of the situation by setting the facts before you just as they have occurred, and allows you to draw your own conclusions on every subject. In fact, it gives you the basis upon which our history is formed, pure and unadulterated.

"It is a panorama which you are enabled to see clearly and distinctly. It is an education that you could not obtain in the highest institutions of learning in the land. As one gentleman said: 'What has been written heretofore may be termed only "side lights." This is the real sun.' As the New York Tribune said: 'The work is of such a valuable character that it will be kept throughout all future years as a work of reference, for it will be complete and exact and there will be nothing published anywhere like it.' And for these reasons the compiler, Major Richardson, will practically immortalize his name.

"This work is different from any other in that a man can pick it up and open it anywhere and become interested. If a man wants to read Lincoln in times of war, Jackson on State banks, Grant in times of peace, Cleveland on the Venezuelan question, or McKinley on the Spanish war he can accomplish it in ten or twenty minutes with the aid of this marvelous index. Then, too, it is just as important that a man have a record of the transactions of the Government as it is for him to know how to read and write. It is just as necessary for him to know something of the inside workings of the Government as it is for him to feed the body. A man feels better, sleeps better, and holds his head higher if he knows 'where he is at.'

"Now, I don't want to seem persistent, Mr. Blank, and in fact I ought not to have stayed here more than five minutes, for in some Congressional districts there are lots of people on the waiting list who are anxious that some other districts will not be as patriotic as they, but I feel that you appreciate this work and want it, and it is something you ought to have in your library. It is also a work that you will be proud to own." (If you think it is only a question of terms, say:) "Perhaps you have some taxes to pay at the present time, and it may be inconvenient for you to draw a check for that amount. When I was first sent out the committee insisted that I should have a check in full with each application. They said it was just like buying Government bonds, and ought to be paid for in the same way. But I found a few people who stated it was inconvenient at the present time to do so, yet they were very enthusiastic and wished to secure the set. I finally secured permission before coming out this way to split the

ment up in special cases where I knew the party was responsible; that is, provided you will be your own collector. You see, the committee was authorized to get this out at the cost of manufacturing, and they can't afford to pay a collector to come around the second time, and, as I said, you will have to be your own collector and send the amount each time to the treasurer at Washington yourself. There is no provision made for this, but I have authority to do so whenever I think best, and we might note those special terms right here on the bottom of the application blank. I guess that will suit you all right. What terms would be most convenient for you?"

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### THE NAME

#### **"MESSAGES AND PAPERS" GIVES THE IMPRESSION OF TOO DRY.**

This is quite natural, as the name does not carry its true definition. The merits and interesting features of the work are not to be conveyed by the use of names, such as "messages, papers, inaugural addresses, proclamations," etc., which gives the dry-bones side of the question.

You therefore must show the person what it is, rather than its name and headings. This can be done by using quotations and telling how interesting it is to yourself and to others whom you have heard express themselves about it, and by pointing to the large reviews it has received, the picture of our progress as outlined from the Government point of view; that everything we have in the way of progress and development was under the guiding hand of the Government, beginning at Washington's time, when we did not have any post-office system, railroads, telegraphs, weights and measures, banking, public-school systems, etc.

All of these things are very interesting to watch through the past century of rapid developments. In other words, enables a person to condense into his own life the experiences of all of our Presidents. This means an education that he could not get in the highest institutions of learning in the world, because they do not teach such broad ideas.

You perhaps recollect in your own time when the business of the country was at a standstill to learn what message the President had for Congress, especially if a change of Administration. People get up at 4 o'clock in the morning to see the papers containing the President's message.

It does not occur to me that a paper which could affect the entire business of the country would be so very dry, especially to you as a business man. If you appreciate rhetoric, logic, and grammatical perfection, there is absolutely no work that compares with it.

#### **TOO BUSY TO READ, OR MORE BOOKS NOW THAN HE CAN READ.**

You can meet such an objection by saying that you are very glad he raised this point, as it calls to your mind the same suggestion that President Calloway, of the New York Central Railroad, made. He stated that he found very little time for reading, but that out of his immense library he gave over three-fourths of his reading time to this work, simply because it dealt with the very questions in which he was interested, handling large affairs by virtue of his position.

The particular feature that appealed to him was the conciseness of every statement in the index and in the work itself. He said that it had been his experience that he could get more real meat out of a dozen pages of this work than in three or four hundred pages of the ordinary history or encyclopedia.

He stated also that his daughter had started in to read the work, and she was reading it straight through and finding it of great interest.

A person would want a work of this kind in his library whether he had very much time to read it or not, for the dignity and tone which it gives.

I met a gentlemen the other day who had a large library of 25,000 volumes, and he stated that it was so well selected that he did not have a work in it that he did not want, but that in purchasing this work he intended placing it right in the center of his library, and that all else must radiate around it, even though he had works that cost him twenty times as much.

The suggestion of having more books than he can now read is probably one that is not meant in sincerity, but if it is really meant the chances are that the selections in his library are at fault, because they do not deal with the subjects of everyday use, such as this work covers. It is not well to take any such points as these in a serious manner, but treat them lightly, as they should be treated.

Do you suppose that there has been a single day in the last ten years in which you could not have read for ten minutes? If a man would only read ten minutes a day for one year he would be surprised at the knowledge he could gain and the new ideas he would have stored away.

This work is different from any other in that a man can pick it up anywhere and become interested. If a man wants to read Lincoln in time of war, Grant in time of peace, Jackson on State banks, Cleveland on the tariff or Venezuelan question he can accomplish it in ten or twenty minutes with the aid of the index.

It is not how much a man reads, but how much he retains. Through the use of the encyclopedic index he can save seven-eighths of his time in looking up an ordinary subject.

#### TOO HIGH PRICED; CAN'T AFFORD.

If this objection is offered it is because you have not made the proper sort of introduction or impressed the magnitude of the work. If you state the estimated cost of the first edition as provided by the Government, the above objection will never be raised on you. In other words, anticipate such an objection right from the start.

You probably would not think very well of me if I should agree with you on that proposition.

It is hardly a question whether a person can afford a work of this character so much as can he afford to do without it, especially since it is unlike purchasing from a regular publisher, where you could get the same work ten years hence.

It is not a question of investing your money without any return. It may better be calculated simply an exchange of values. For the \$34 you put into this work you get back the value practically in paper, printing, and binding, the Government having already stood the original expense connected with it, which means nearly two-thirds of the present cost.

If you stop to compare it with other works you will readily see what sort of a bargain you are getting. The Century Dictionary, in 10 volumes, costing nearly a million dollars to prepare the plates, is now selling in this same style of binding at \$93 per set, whereas this work is being presented to you at only \$34 per set. You can readily see, therefore, that there is a very little margin left for speculation in any way, shape, or manner.

It seems to me it would be a good idea for you to get hold of four or five sets if you could, as the work will naturally appreciate in value when the distribution of it is completed. As it is now, comparatively few people can get it at all, and as the opportunity is now before you, my advice to you would be to grasp it.

Did it ever occur to you that if a relative a thousand miles away should die, or you should wish to go to Washington personally, on urgent business, where the expense would be two or three times this amount, you would find a way to go?

As a matter of fact, where "There's a will there's always a way." Two or three years from now you would never know you had bought this work, only by the great good and pleasure it has been to you. If a young man like you or I should take a work of this kind every year or so, when we get to be old we will have a nice library and never miss the expense.

If he means a question of terms, you might use your prerogative in allowing him to cut up the payments a little on account of his high appreciation and good standing, and with the one stipulation that he send in the money without any expense to the committee, as we do not employ any collectors. We, of course, do not charge him any more on this account.

#### GOOD FOR POLITICIANS AND LAWYERS, BUT NOT FOR ME.

This is a very superficial view of the work. If our Government officials and Presidents were simply acting in the interests of politicians and lawyers, your point would be well taken.

It is a matter of fact that you are as much interested in such questions as any other man possibly can be. As you will recognize, a good many lawyers and politicians have nothing to lose and everything to gain. For a man of your responsibility you have everything to lose, as well as everything to gain, according as the affairs of your Government are improperly or properly administered.

As for politicians, there is no special attempt made to place this work among them. As for lawyers, they only receive the allotment in comparison to their numbers, the same as merchants, manufacturers, and others.

It is true the work has many points of interest for lawyers, such as the questions of international law, constitutional history, diplomatic questions, etc., but they are probably of as much interest to you as they would be to a lawyer.

The greatest service it would be to you is in the question of your daily reading. Two-thirds of the matter in the daily papers is relatively connected with questions which would be answered in this work with very little effort and which can not be answered in any other. The copy of the 100 questions gives a few hints only of the matter covered in this work.

Incidentally remark to him that there are one or two of these questions which he probably can not answer. You realize that the object is to impress him a little further with the consciousness of his ignorance on these points.

What do you mean by that? Do you mean it would make them smarter in their profession or better citizens? (If he says yes) Would not the same apply to you—make you a smarter and better American citizen?

The more information a man has on all subjects the better equipped he is to make a success of any special calling. The farmer should know something more than how to plow or to hitch up a team. The doctor should know something more than how to write a prescription or feel a pulse. A merchant should know more than the price per yard of calico or the price of potatoes by the bushel.

In short, the better a man is posted in all lines of business the easier he will find it to do business with people in those various lines, and that is the very reason why lawyers and politicians are so successful in pushing themselves to the front.

They are constantly seeking information from all sources. If Grant had been satisfied to remain a mere tanner, Lincoln a rail splitter, Garfield a mule driver on a towpath, their names would never have appeared in this work. They read something outside of how to tan leather, split rails, or drive mules.

You know of some one in your business (or profession) who realizes much less than you do. Why? Because he has better intellectual equipment—not natural, perhaps, but acquired. You also know of some one in your business who realizes much more than you do, and the reason is the same—better equipped intellectually.

An inspiration from contact with great minds acting under fearful responsibility, as is the case with each President, can not fail to make you and your competitors more alert and at the same time more conservative; and now that others who are running the race with you are availing themselves of this advantage, you must if you remain in the race.

#### WHAT GOOD IS IT TO ME?

This point is best answered by actions. A surprised look and asking in a sort of incredulous manner if he is really serious in making such a statement. Make light of it by actions rather than by words.

Follow it right up by saying that you do not believe he would be holding such an important position as he has to-day if he did not have a broad comprehension of affairs similar to the President's, and state that this work affords an opportunity to increase his knowledge of the broad questions that are practically allied to his everyday business; also observe that it is probably of the same use to him as to some men you have sold. Name a few prominent ones that are in his class.

It is worth more to him in time saving than ten times the price, as there has never been a work where a person could get at just what he wanted in so short a time.

Quote from McDowell's testimonial: "It is a boiled-down history" of our country from its beginning to the very present. A person can learn more from the careful reading of this work than by years of study of so-called histories.

Besides, since even your time for daily newspaper reading must be

limited, when you do come across subjects that you desire a little more light on it only takes an instant in this work by using the index.

You might want it on the same theory as you would buy Government bonds, on account of their appreciating in value, and I think this will be a better investment than \$34 worth of Government bonds.

What good is the family Bible or any other good work, such as an encyclopedia or history? I presume you have those works in your library.

Why refuse the best work, next to the Bible, you have ever had offered to you? It is best because—

First. It is from the highest authority in the land.

Second. It is authorized by the second highest authority in the land (Congress).

Third. It is a marvel of cheapness and completeness as compared with other works.

Fourth. You will not have another opportunity to get it.

Fifth. You can buy a piano, bicycle, or sewing machine any time; in fact, the longer you wait the better, because they are getting cheaper all the time, but this proposition is now or never.

You may not take so much interest in it yourself, but there is nothing so interesting to a child as the lives of the Presidents. To read about their boyhood days, how they were spent, how the Presidents were raised, and what they have done. There is hardly a boy in the land to-day but has a better showing than a Lincoln, a Garfield, or a Jackson had, as far as surroundings or advantages are concerned, to rise to the front ranks.

Just as a boy reading a yellow novel wants to become a train robber or bandit, so the same boy reading the lives and deeds of the Presidents would emulate their ideals.

CALL BACK—WANT TO THINK IT OVER—CAN GET IT ANY TIME.

This should also be anticipated in your talk, so that he will not even ask you to call back. An adroit statement in the course of your conversation will relieve his mind on that point.

In case he does ask you to call back, as he wants to think it over, it is well to meet it pleasantly, saying, personally you would be pleased to call back, but as it is a question of business, and you are working under direct instructions from Washington, and one of the most rigid rules of the committee is not to bother people by going back a second time.

As this work is handled on a high plane, it is as much as my position is worth practically to call back on you; besides it is such a small matter, as far as finances are concerned, that you do not think there is cause to hesitate very long.

Most people I have called on appreciate the magnitude of the opportunity and do not hesitate about giving in their application and check, and many of them wait in anticipation.

It is quite sure there will be more people wanting the work than can be supplied, and it makes no special difference to me whether you take it or not.

Of course my advice would be to you to make sure of the opportunity while you can. As I stated before, the matter is presented but once to any man, and if he does not take advantage of it then he will

not be favored again with the question, and, in fact, can not secure it after the report has gone in that he does not wish it.

I do not see how you can know any more about it to-morrow than you do now, and it would be some inconvenience to me to call back even if I were permitted to do so. You know whether you can afford it or not. You have already said you would like very much to have the work, and I really can not see what there would be for you to think on, and I agree with you that you can afford it; I also agree with you that you ought to have it and would like to have it, and the only thing that now remains for us to agree on is the time of taking, whether it be to-day or to-morrow.

I think that you will concede that point, as it would be a great inconvenience for me to call again, and it can not possibly be an advantage to you to wait. Your name on the autograph book would make my work easier. When such men as yourself lead out in any masterpiece it will be an easy matter for men of less influence to follow your example.

I know you would rather see your name at the head of the list as a leader than at the foot as a follower, or as some one has said "a leaner."

#### TOO DEEP FOR CHILDREN.

Simply state that it is quite natural that he should raise an objection of this kind, but if he will take a second thought he will see that the greatest thoughts and best descriptions are written in the simplest language.

It is a rule that the ignorant man makes use of the largest words and therefore fails to make clear, or put in the proper manner, his thoughts and logic.

If you will stop to think, for instance, of Lincoln's motto, which was to "demonstrate every point beyond the question of a doubt," you will see he probably never wrote anything but that an 8-year-old child could read and understand, and yet it was entertainment and food for the broadest minds.

The same, of course, is true in a more or less degree with such men as Garfield, Jefferson, Washington, etc. It is just as easy for children to learn the history from the original facts and the comprehension of best thoughts as to take it secondhand and in after years relearn it.

Mr. Cottingham, the oldest school superintendent in Pennsylvania, stated that he believed, in the use of this work, a child would make three times the progress in the study of our history in the same time as would be made from the common-school history and all other histories and encyclopedias combined.

The children will probably enjoy the pleasure of sitting in the President's easy chair, as it were, and seeing what happened in each administration fully as much as you would yourself. If you stop to realize how a work of this kind sets everything out before the mind practically as clear as a panorama, you will appreciate its importance.

They would enjoy the gallery of Presidents' pictures, as well as the public buildings, historic paintings, etc., that are reproduced for this work, only probably ten times as much as you would, and the study of the Presidents' characters and faces would naturally establish high ideals of comparison of human nature for them that would be desirable.

You said you had an encyclopedia. Why did you buy it? There is nothing so deep or dry to a child as an encyclopedia.

First. Because it deals with scientific or technical subjects which a child can not possibly understand.

Second. It is wholly a book of reference for students of history, anatomy, botany, biology, hydromechanics, etc.

Third. Next to the Scriptures, there is no work so important or easy to understand by a child; and

Fourth. It is just as easy for a child to read this and understand it as it would be to have a conversation with the President.

The children of 10 or 12 to-day know as much as their grandparents used to at 30 or 40.

HAVE SOMETHING IN LIBRARY LIKE IT, SUCH AS ENCYCLOPEDIA OR HISTORY.

To begin with, this impression is entirely wrong in the customer's mind. Remind him that it is not a rehash of anything that has ever been printed before. He may have works covering many of the facts, in a way, but related more or less with the prejudice of the authors—

First, because even they have never had the opportunity heretofore of consulting the original papers and documents.

Second, there has never been a history or encyclopedic article written which could comprehend fully the original documents and official records. As one gentleman said, "What has been written might be termed 'only side lights.'"

One of the prominent divines of New York, a very old man, said, "I have been reading history for thirty years and it has taken me that long to find out that the only correct way to read and understand it is from the original source."

It is sometimes mentioned at this point that he has Blaine's Twenty Years in Congress, but this does not begin to cover the same scope as Messages and Papers of the Presidents.

It is also well to consider that there is no first-class history of the United States published. The United States history that most of us have had access to has been the common school history, which is not written in a style to interest the man of affairs, but there is no man but is interested in the United States history from the President's point of view.

Of course this work has a great many papers included which have never before appeared in print and which are revelations to even the average historian. The impeachment papers of Andrew Johnson have never before been made public in full, and a great deal of our secret diplomatic correspondence could only be placed in this work by the Senate removing the injunction of secrecy.

Professor Brumbaugh, of the University of Pennsylvania, states that "it is the cream of American administrative history. To learn history from its makers is the spirit of the laboratory method."

The index of the work alone is worth the price of it. The encyclopedic articles are authorized and verified from the Government records, besides having every fact of our history stated in a clear, concise form.

To quote from the New York Tribune testimonial: "The work is one of such a valuable character that it will be kept throughout all the future years as a work of reference, for it will be complete and exact, and there will be nothing published anywhere like it."

An encyclopedia or history is what some man has said about a subject—this is the thing itself.

You may have a few scattering quotations from the different Administrations, but they are not indexed and are of little value. Besides, of course, the gallery of engravings is alone worth more than is asked for the whole thing complete.

To sum up the whole matter, a person can readily see that there is no work that could take its place in a gentleman's library.

NOT BUYING ANY BOOKS NOW, FIRM RESOLUTION NOT TO BUY ANY,  
ESPECIALLY OF AN AGENT.

This decision is generally expressed to you before you have had a chance fully to explain the features of the work. You therefore should anticipate it and not allow the customer to make such statements in advance, but in case he does, you have only to convince him that he wants the work.

In most cases he will not want to buy now, simply because he declared himself so strongly and dislikes to go back on his own statement, as it were. You therefore must show him a reasonable way to retract or you will not be able to sell under such circumstances.

An argument like this would prove effective: "Of course your statement not to buy anything was made without knowing the facts, and to be consistent you would hold to your original statement, 'right or wrong,' but, as Emerson says, 'Consistency is the hobgoblin of little minds, fools, etc.'" He who is broad will get new light in his breadth if necessary, or if he finds things different than he thought at first.

"You will probably recall that some carping critic attacked Gladstone on this very point, that he was not consistent, changing his policy and attitude on certain questions. Nevertheless his name goes down in history as one sincere in everything he did and as the most progressive and able statesman of the age.

"In changing your decision on the matter time does not enter in. You can be no more consistent in waiting until to-morrow or a week from now than if you change in the next breath on account of the circumstances surrounding this particular work and your opportunity of securing it, which suggests to your better judgment. Now is the time if you ever will avail yourself of the opportunity.

"I do not look upon you as a man who would be stubborn against your own best judgment. You realize, of course, that the work is not presented to everybody, and that it really is a privilege to you individually to have it presented to you.

"'Wise people change their minds.'" (He will tell you the rest.) While I am not a book agent, I can sympathize with you on that; but three-fourths of the business in this country is done through solicitors.

"Some are not straight, of course, which is the exception to the rule, and if you have come in contact with any crooked salesmen it is unfortunate, but you could hardly say there were no honest salesmen on this account, any more than you could say there were no good preachers because you happened to listen to a poor sermon.

"I take it you are a man of good business judgment. You might say the same about buying land, city lots, or bonds; if you had a real good thing offered, the chances are you would not let the opportunity escape you, and I am convinced in my own mind—and I believe you are—that this is the best proposition in this line that you have ever had offered. Anyway, if you take a hold of it you will be in good company, for here is a list right here in town" (show your autograph book).

### SUGGESTIONS AS TO HOW TO GET CHECKS WITH THE APPLICATION.

Now in making out your check, make it payable to R. J. Bodmer, treasurer of the committee (pointing to that name).

If the customer hesitates you must chime in with the following remark, before he gets a chance to get a word in edgewise, viz: "This is customary, and you will remember that they requested this committee to get the work out at the lowest price possible, the mere cost of production and getting it to those who make an application for it, and of course they can not afford to send a collector around."

You will notice that it is made payable to the treasurer of the committee, and everybody knows that committee is not going to keep the money if everything is not perfectly satisfactory.

You see that you are to detach this part of the application as a facsimile of the work that you are going to receive, and I am authorized to make you a receipt on the back of this. (Show blank receipt.)

If he still hesitates, say: "Then, too, it is only a small amount and most business men want to get it off their hands, and I guess you would just as soon do it in that way and have it off your mind."

If he breaks in on you before you get this far and says he would not want to do that, say: "Well, of course, it is not absolutely necessary, but most people are doing it that way. You see you will be at no risk and the committee, right here on your application, agrees to refund the money if all the sets are gone before your application is received. Then, too, it is only a small amount and most business men want to get it off their hands, and I guess you would just as soon do it in that way and have it off your mind."

You will find that this will get a good many of those who at first object, but if he still declares that he will not pay for it until he sees it, let him down easy by saying: "Of course, as I said in the first place, this is customary, but not absolutely necessary, and I suppose you want to send your check when you receive the set. All right, I will inform the committee of the facts and assure them that when they send in the bill you will forward the amount."

From the beginning of the interview you want to remember that you are after big game. If you went hunting bear or lions you would not use the shotgun, but would take the largest caliber rifle you could secure; so in this work, don't tantalize a man with a lot of small shot or particulars, but overwhelm him right on the start with the largest shells you can hurl, viz: Some good rounded periods covering the general scope and character of the work. Then show your autograph album and application blanks and have him sign them without delay.





APR 27 1934

~~DUE MAR - 27 '37~~

DUE FEB 14 '44

~~DUE FEB - 6 '50~~

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